

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.38789 OF 2013

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Dated 31st December 2013

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BETWEEN:

1. Jinuga Krishna Reddy and four others.

...PETITIONERS

AND

1. The State of A.P., rep.by the Principal Secretary to Government,
Revenue Department, Secretariat, A.P., Hyderabad and eight others.

...RESPONDENTS

**Counsel for the petitioners: Mr. Satyanarayana for Mr. G.Kumara
Swamy Naidu**

**Counsel for respondent Nos.1 to 6 and 9: Assistant Government
Pleader for Revenue**

Counsel for respondent Nos.7 and 8:

The Court made the following:

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.38789 OF 2013

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ORDER:_____

This Writ Petition is filed for a *Mandamus* to set aside memos in Rc.No.A4/565/2012, dated 03.09.2013, of respondent No.5, whereby he has informed the petitioners that the District Level Screening Committee has rejected their applications for regularisation of the plots in their occupation.

The main ground on which the petitioners have challenged the

said memos is that under G.O.Ms.No.747, Revenue (UC.I) Department, dated 18.06.2008, the State Government is the competent authority to consider the applications for regularisation and the District Level Screening Committee is only a recommendatory body.

The above-noted ground raised by the petitioners stands fortified by the last paragraph of G.O.Ms.No.747, dated 18.06.2008, which reads as under:

“The Government shall be competent to refuse or reject any case of allotment of excess land, even though it otherwise satisfies all the conditions prescribed in this order, if such allotment of excess land with or without structures thereon is not in public interest or if such land is required for a public purpose. The decision of the Government in this regard shall be final and shall not be questioned in any Court of law. In cases, where allotment is refused or rejected, the compensation amounts paid along with application shall be refunded without any interest to the applicant.”

In the light of the above reproduced paragraph of G.O.Ms.No.747,

I find merit in the plea of the petitioners that the District Level Screening Committee is only entitled to submit its report and it is the State Government, which is the decision making authority, that will decide as to whether the applicants are entitled for regularisation of the plots in their occupation or not.

The learned Assistant Government Pleader for Revenue (Assignments) has not contradicted this position.

In the above view of the matter, the decision of the District Level Screening Committee rejecting the petitioners' applications for regularisation and consequential impugned memos cannot be sustained and they are, accordingly, declared as void. The District Level Screening Committee is directed to place the applications of the petitioners along with its report before the State Government within a period of two weeks from the date of receipt of a copy of this order and

the State Government is directed to dispose of the petitioners' applications within a period of two months thereafter.

The Writ Petition is, accordingly, allowed to the extent indicated above.

As a sequel to disposal of the Writ Petition, WP.MP.No.48211 of 2013 filed by the petitioners for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

31st December 2013
RRB