

-  
**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**  
-

-  
**Writ Petition No.5750 of 2015**  
-

**ORDER:**

-  
-  
\_\_\_\_\_ This writ petition is filed to issue a *Writ of Mandamus* directing the respondents not to consider any application for regularization of illegal structures in Sy.No212/4 to an extent of Ac.3.30 guntas in Kammaguda Village, Hayath Nagar Mandal, Ranga Reddy District.

as the matter is *sub judice* before the V Additional District Judge, Ranga Reddy District at L.B. Nagar.

-  
Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

-  
The case of the petitioners is that they are the owners of agricultural land to an extent of Ac.3.30 guntas in Sy.No.212/4 of Kammaguda Village, Hayath Nagar Mandal, Ranga Reddy District. The land came to be purchased by the grand-mother of the petitioners, by name, Smt. N. Lakshamma, through a registered sale deed bearing No.1042/1979, dated 02-02-1979, and that after her death, they are in possession and enjoyment of the same for the past several years. While so, one Sri M. Balaraj, claiming to be the son of the vendor of the petitioners, filed an application before the

3<sup>rd</sup> respondent and obtained pattadar passbook and title deeds in his favour. The petitioners submitted their objection, and ultimately,

the 3<sup>rd</sup> respondent allowed the application of the petitioners through proceedings No.B/1265/05, in the month of February 2007. It is submitted that some suits are filed, and as against the orders in the suits, A.S.No.11 of 2010 on the file of the V Additional District Judge, Ranga Reddy District, at LB Nagar is pending. While so, some anti social elements have erected temporary sheds and making structures in the property in question. It is also submitted that the Government issued G.O.Ms.No.58, dated 30-12-2014, for regularisation, and that the persons who laid temporary sheds on the subject land, have made applications for regularization of their structures. The petitioners have also made their objections, through their

representation dated

11-02-2005 before the 3<sup>rd</sup> respondent, not to regularize the structures illegally constructed in Sy.No.212/4 of Kammaguda Village, since the land is a private land. Their grievance is that that no action is taken on their representation.

-

The learned Government Pleader for Revenue, on the other hand submits that the writ petition is filed only on mere apprehension and that he obtained specific instructions from the Tahsildar, as under:

-

"It is respectfully submitted that as per revenue records originally the land bearing Sy.No.212 admeasuring Ac.41-12 Gts is classified as "Sarkari". As per Faisal patti for the year 1972-73 the land to an extent of Ac.10.00 Gts was assigned to Sri M. Komraiah vide file No.A1/1348/1973 and Izafa sanctioned in Faisal Patti and from thereon his name is recorded as pattedar and Possessor in Revenue Records. As per pahani for the year 2010-2011 the entries are recorded as follows:

-

-

-

-

-

| Sy.No. | Extent | Classification      | Name of the Pattedar                                                                 | Name of the Possessor                                                                |
|--------|--------|---------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 212/1  | 26-12  | Gairan Sarkar       | Gairan Sarkari                                                                       | -                                                                                    |
| 212/2  | 5-00   | Karij Khata Sarkari | Karij Khata Sarkari                                                                  | -                                                                                    |
| 212/3  | 6-02   | Patta               | M.Ramchandra Raju<br>M.Rajalaxmi<br>T.V.Shyamala Rao<br>Syed Mohinuddin<br>S/o.Ishaq | M.Ramchandra Raju<br>M.Rajalaxmi<br>T.V.Shyamala Rao<br>Syed Mohinuddin<br>S/o.Ishaq |
| 212/4  | 3-38   | Patta               | M.Komraiah<br>Syed Mohinuddin<br>S/o.Ishaq                                           | M.Komraiah<br>Syed Mohinuddin<br>S/o.Ishaq                                           |

-

It is submitted that from the above it is evident that the land in Sy.No.212 has been assigned to Sri M. Komraiah and the unassigned land to an extent of Ac.26-12 Gts is vested with the Government. The writ petitioners are claiming that they have purchased the land in Sy.No.212/4 of Kammaguda Village from the assignee Sri Komaraiah and civil disputes are pending in the matter and not to regularize the illegal encroachments.

While the matter stood thus, the Government of Telangana vide G.O.Ms.No.58 Revenue (Assignment-I) Department dt.30-12-2014 and G.O.Ms.No.59 Revenue (Assignment-I) Department dt.30-12-2014 has issued G.O.'s to regularize and transfer of rights on lands encroachments on un-objectionable Government Land and Surplus land under Land Ceiling to

the people on payment of basis and Assignment of unobjectionable Government land and surplus land under Urban land Ceiling to an extent up to 125 square yards to poor families at free of cost.

It is submitted that in pursuance of the above said G.O's (277) applications have been received up to January 31<sup>st</sup> 2014 in this office and verification has also been completed.

On 11-2-2015 the Writ Petitioner No.7 has filed an objection in this office with a request that not to regularize the Temporary sheds erected in land admeasuring Ac.3.30 Gts in Sy.No.212/4 of Kammaguda Village of Hayathnagar Mandal as the cases are pending before the courts between the petitioner and with one Balraj and more over the above said property is not an assigned land.

It is submitted that, accordingly the matter was taken up and letter dt.12-2-2015 was addressed to A.D. Survey and Land Records to clarify whether any Supplementary Sethwar have been issued in the land bearing Sy.No.212 of Kammaguda Village and also to inform whether any sub-division have been implemented in village map so that the land claimed by the objection petitioner can be identified and to know that it is falling in the land vested with the Government or land assigned to Sri Komaraiah.

It is submitted that it will be ascertained that the application received under G.O.Ms.No.58 and 59, dt.31-12-2015 in Sy.No.212 of Kammaguda Village are falling in the land assigned to Komraiah or falling in the land vested with the Government and the regularization of application under G.O.Ms.No.58 and G.O.Ms.No.59 received in Sy.No.212 of Kammaguda village will be considered only after the issue is clarified."

-

In the light of the respective contentions, and also considering the fact that the authorities have already taken note of the objections filed by the petitioners herein, no specific orders need to be passed in the writ petition, except to record the stand of the respondents. However, as and when the applications for regularization of the land in question is taken up, the respondents shall issue notice to the petitioners, through registered post acknowledgement due; calling their specific objections, and only after considering their objections and hearing them, pass appropriate orders, in accordance with law.

-

-

The writ petition is accordingly disposed of.

The miscellaneous petition filed in the writ petition shall also stand disposed of. There shall be no order as to costs.

---

**CHALLA KODANDA RAM, J.**

**Dt.09-03-2015.**

KO