**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**WRIT PETITION No. 7553 of 2011**

**ORDER:**

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents. With the consent of the parties, the writ petition is disposed of at the admission stage itself.

The averments made in the affidavit filed in support of the writ petition would show that the petitioner made an application before the 1st respondent seeking regularization of 249 square yards (house bearing No.11-24) situated at Netaji Nagar, Nandigama Village and Mandal, Krishna District, under G.O.Ms.No.166, Revenue (Assn.Pot) Department, dated 16.02.2008. It is stated that the paternal grand father of the petitioner constructed a house in the above land in the year 1972 which was collapsed in the year 1980 and thereafter the mother of the petitioner constructed a house after obtaining permission from the Grampanchayat. Since 1972, the property tax was being paid regularly to the Grampanchayat, Nandigama. It is also stated that the 3rd respondent conducted an enquiry and submitted a report to the 1st respondent, and basing on the said report, the reports of the 2nd respondent dated 12.02.2009 & 04.08.2009 and the Minutes of District Level Committee Meeting dated 27.08.2009, the 1st respondent passed an order dated 09.09.2009 directing the petitioner to pay a sum of Rs.97,969/- towards the value of the property. It is contended that though the petitioner is entitled to depreciation @ 3% p.a. up to 25 years under G.O.Ms.No.166, Revenue (Assn.POT) Department, dated 16.02.2008, the 1st respondent passed the said order without allowing the depreciation @ 3% p.a. up to 25 years and without considering the documents. Challenging the same, the writ petition is filed.

A counter came to be filed by the 3rd respondent denying the averments made in the writ petition. It is stated that the mother of the petitioner submitted a house tax receipt bearing No.4757 dated 11.03.2003 issued by the Grampanchayat, Nandigama. It is also stated that under G.O.Ms.No.166 dated 16.02.2008, there is a provision of depreciation @ 3% p.a. up to 25 years as per the period of occupation. But in the case on hand, the depreciation period is below one year as per the proof of evidence i.e., the house tax receipt bearing No.4757 dated 11.03.2003, produced by the mother of the petitioner along with the application and taking the same into consideration, the 1st respondent fixed the value of the property. Hence, it cannot be said that the order passed by the 1st respondent is bad or illegal.

When the matter is taken up for hearing, this Court directed the learned counsel for the petitioner to produce before the Court material showing his possession over the property for the past 25 years and also the application made before the 1st respondent, but he could not produce the same. However, he stated that he would make a fresh representation along with the required documentary proof before the 1st respondent seeking regularization of the property and claiming depreciation @ 3% p.a. for 25 years and hence sought a direction to the 1st respondent to consider the same.

Having regard to the circumstances stated above and in view of the submission made by the learned counsel for the petitioner, the Writ Petition is disposed of, by directing the 1st respondent to consider and dispose of the representation if any made by the petitioner, in accordance with law, at the earliest. There shall be no order as to costs.

Consequently, W.P.M.P.Nos.9398 and 11683 of 2011 pending in the writ petition shall stand dismissed.

**JUSTICE C. PRAVEEN KUMAR**

19th August, 2015
cbs

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