

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.31324 OF 2015

ORDER:

This is second round of litigation initiated by the petitioners. When they approached this Court on an earlier occasion, challenging the action of the 4th respondent in issuing notice for vacation of the lands when their application for regularisation was pending, this Court passed the following order:

“The petitioners claim that they are the permanent residents of Singur Village and due to construction of Singur Dam, they had to be relocated. It is their case that they were issued ownership certificates by the fourth respondent on 07.09.2011. Some persons illegally occupied the land on either side of 60 feet wide road in possession of respondents 5 to 7 and when they filed W.P.No.17772 of 2015 seeking protection of their possession, this Court disposed of the said Writ Petition on 13.07.2015 directing the respondents therein not to evict the petitioners therein without following due process of law. To initiate action against those persons, now a general declaration was issued on 12.08.2015 by the fourth respondent and the names of the petitioners were also shown therein and the petitioners herein were issued notices, even though the ownership certificates were existing in their favour. It is the further case of the petitioners that they submitted applications to the fourth respondent for regularization of the lands in their occupation, and in spite of the same, the present notices for vacation within 42 hours were issued to them. Challenging the same, the present Writ Petition is filed.

The learned counsel for the petitioners submits that the case of the petitioners in W.P.No.17772 of 2015 is different from the case of the petitioners herein and the petitioners are unnecessarily included by respondents 5 to 7, when respondents 5 to 7 wanted to take action against the petitioners in W.P.No.17772 of 2015. He further submits that the petitioners have valid possession certificates and their applications for regularization are pending.

However, these facts cannot be verified by this Court in the present writ proceedings. In view of the notices issued by the fourth respondent, liberty is given to the petitioners to submit their explanation to the said notices within one week from the date of receipt of a copy of this order. On receipt of such explanations, the fourth respondent shall pass appropriate reasoned orders within 30 days thereafter, taking into consideration the applications of the petitioners for regularization, if any, pending with him. Till the orders

are passed by the fourth respondent, the fourth respondent shall not take any action for eviction of the petitioners.”

2. After passing the above order, the 4th respondent communicated proceedings, dated 11-09-2015 rejecting the request of the petitioners for regularization of the occupation of the land under G.O.Ms.No.58, dated 30-12-2014. With regard to ownership certificate produced by the petitioners, it was stated that the ownership certificate is available only to the Gramakantham land, but not for the project lands acquired for the purpose of the project. He did not categorically state whether the land occupied by the petitioners is the land acquired for the Singur Project and in fact, he did not give a finding with regard to nature of their occupation.

3. Learned Government Pleader submits that in respect of the rejection of regularization or any other action pursuant to G.O.Ms.No.58, Revenue (Assignment-I) Department, dated 30-12-2014, a redressal mechanism is provided before the Joint Collector concerned and the petitioners can approach the Joint Collector for redressal of their grievance.

4. Now, it is not clear from the facts that under what circumstances, the ownership certificate was issued in favour of the petitioners by the then Tahsildar way back in the year 2011 and even after possessing such ownership certificate, whether there is a need for applying for regularisation under G.O.Ms.No.58, dated 30-12-2014. It is also not known that under what authority of law, the 4th respondent issued ownership certificate and whether the ownership certificate creates any title in favour of the petitioners. In the circumstances, this matter is remanded to the Joint Collector, Medak District at Sangareddy for conducting enquiry and passing appropriate orders thereon after hearing the petitioners. The entire exercise shall be completed within a period of 3 months from the date of receipt of a copy of this order. Till such time, no coercive steps for eviction of the petitioners shall be taken by the 4th respondent.

5. Accordingly, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 23-09-2015

Hsd

Note: Office is directed to send a copy of this order to the Joint Collector, Medak District at Sangareddy.