

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.1951 OF 2011

ORDER:

In pursuant to the observations made, the facts in this case are not in dispute.

The petitioners claimed that they are in occupation of land situated in Sy.No.49/13 of Bahadurguda village, Mansurabad Gram Panchayat now L.B. Nagar Municipality, Ranga Reddy District. They had constructed small shops in and around the temple under the name and style as Sri Prasanna Anjaneya Swamy Temple Complex. These constructions were made between 1986 and 1988. Thereafter at the instance of the Government, petitioners were declared as encroachers by the Land Grabbing Court vide its orders dated 25.01.1993 in L.G.C.No.9 of 1989. The sum and substance of the said order is that the land in Sy.No.49/13 was declared to be a Government land and the petitioners were declared as encroachers. Thereafter, 6th respondent- temple committee challenged the said judgment by way of Writ Petition No.2959 of 1993 and, subsequently, by way of W.A.No.258 of 1993. This Court disposed of the Writ Appeal with a direction to the 4th respondent to send an application to the Government for regularisation of the encroached land on payment of reasonable charges by the Temple and further directed to maintain status quo regarding the possession. So far as the petitioners are concerned they did not challenge the order of the L.G.C. However, some of the encroachers filed W.P.No.67 of 2011 and the same also came to be dismissed on 02.12.2011. However, an observation was made in the said Writ Petition that it is open for the Government to

take necessary steps to evict the petitioners from the Government land in accordance with the provisions of the Andhra Pradesh Encroachment Act, 1905. This Court also rejected their prayer to direct the respondents to consider for regularisation of their illegal occupation. It is the case of the petitioners that as on today their applications seeking regularisation are pending, they would be satisfied if their applications are considered in accordance with the G.Os., notified by the Government including G.O.Ms.No.59, dated 30.12.2014.

Recording the respective submissions the Writ Petition is disposed of and it is ultimately for the Government to take a decision with respect to whether they would like to regularise the occupation of the petitioners or not, no mandamus as such could be issued by this Court.

Accordingly, Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J

Dated:19.02.2015.
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