

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6038 of 2009

ORDER:

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This writ petition is filed questioning the proceedings in ROC.No.G3/5278/2008, dated 01-10-2008 issued by the 1st respondent, wherein, the petitioners request for regularisation of excess municipal land occupied by the petitioners in the backyard of their quarters in LIGH was rejected.

The case of the petitioners is that they were allotted and got registered and owners of LIGH quarters of Warangal Municipality and they are under occupation for the past 39 years since the allotment in the year 1969. It is stated that the area of excess land to the North and South quarters, which is also under their occupation and as such the petitioners requested the 1st respondent to register the excess land occupied by them on payment of market value. After that the 3rd respondent issued notices in G1/10378/2005, dated 08-07-2005 to pay additional costs of Rs.12,180/- for the excess area occupied by them i.e. 40 X 60 and they paid the same. But the 3rd respondent has not considered the same.

The 2nd respondent also issued G.O.Ms.No.508

dated 20-10-1995. The petitioners also filed necessary documents in pursuance of said GO and requested to regularize excess land. For which, the petitioners have already paid an amount of Rs.12,180/-. As the same is not considered, the petitioners filed W.P.No.9977 of 2007 and W.P.No.10071 of 2008 before this Court and the same were disposed of directing the respondents to consider the case of the petitioners for regularization and the impugned proceedings are issued without considering the same.

Counter is filed by the 1st respondent-Corporation stating that a meeting was held on 07-06-2005 and petitioners requested the 1st respondent-Corporation to register the excess municipal land and the so-

called notice is issued by the 3rd respondent is not within the knowledge of this respondent. It is stated that G.O.Ms.No.1601 M.A. dated 29-08-2005 belongs to Revenue Department, relied upon by the petitioners which deals with the Government lands but not for regularisation of the municipal lands. Hence, the said GO is not applicable to the instant case. In view of the directions issued in W.P.No.9977 of 2007 and W.P.No.10071 of 2008, the respondent-Corporation has scrutinized the possibility of regularising the land and it is found that no municipal lands should be allotted to any individuals as it is meant for public at large. Further it is found that the subject land was falling in the park land use as per the sanctioned Master plan of Warangal city. In view of the same, no constructions are permissible by any individual. It is also stated that the subject land is also found to be adjacent to the existing 'nala' and said 'nala' is already congested and is required to be widened for free flow of storm water. Otherwise, the surrounding locality will be affected badly with the storm water. In view of the same, the petitioners' case for regularization of excess municipal land was rejected.

Learned Standing Counsel for respondent-Corporation submits even as per Rule-3 of A.P. Building Rules, 2012 contained in G.O.Ms.No.168, dated 07-04-2012, no construction shall be permitted in the tank bund adjacent to 'nallas' and in the full tank level. She submits that the authorities have considered the case of the petitioners. But in view of the aforesaid circumstances stated in the affidavit, the request of the petitioners was rejected. In the order also, it is clearly mentioned. Since the respondent-Corporation has given reasons for rejection of request of petitioners for regularisation of municipal excess land, the same cannot be interfered with. Further the respondent-Corporation clearly stated that the subject land is found to be adjacent to the existing 'nala' and it is required to be widened and falling in park land. In view of the same, no construction activity can be permitted adjacent to the 'nallas' or park areas.

Petitioners have not shown what is their legal right for allotment of land. The respondent-Corporation has also considered and rejected case

of the petitioner and the same cannot be faulted.

Having regard to the above facts and circumstances, this Court cannot issue Mandamus for regularisation of excess municipal land and I do not see any merits and the writ petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

A.RAJASHEKER REDDY,J

24-08-2015
Nvl

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.17618 of 2014

Date: 02.07.2014

Nvl