

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 4948 of 2015

ORDER:

The writ petitioner questions the action of respondents 2 to 4 in receiving the applications of respondents 5 to 8 for regularization of lands in an extent of Ac.0-19 guntas and Ac.1-17 guntas in Survey Nos.46 and 47 of Machabollaram village, Tirumalagiri mandal, Hyderabad district, pursuant to G.O.Ms.Nos.58 and 59, dated 30.12.2014.

2. It is the case of the petitioner that the land in an extent of Ac.0-19 guntas and Ac.1-17 guntas in Survey Nos.46 and 47 of Machabollaram village, Tirumalagiri mandal, Hyderabad district, was purchased by his father from one Dharma Raju by way of registered sale deed in the year 1937 and since then they are in peaceful possession. While so, respondents 5 to 8, without any manner of right, submitted applications to the respondent authorities requesting regularization of lands under the G.O.Ms.Nos.58 and 59, dated 30.12.2014.

3. Learned counsel for the petitioner contends that the land in question is a private patta land; as such, the very scheme notified under the G.O.Ms.Nos.58 and 59 has no application to the said land and hence the action of respondents 2 to 4 in entertaining the applications of respondents 5 to 8 under the said G.Os. for regularization of their alleged possession is illegal.

4. Learned Assistant Government Pleader, on the basis of written instructions received from the 4th respondent-Tahsildar, submits that as per the revenue records i.e., pahani for the year 1989-90 of Machabollaram village, the land admeasuring Ac.0-19 guntas in Survey No.46 is recorded as patta land and one Dharam Raju name is shown in Column No.12, and the land admeasuring Ac.1-17 guntas in Survey No.47 is recorded as patta land and one Sri K. Laxmaiah and two others names are shown in Column No.12, and hence the lands in the said survey numbers being patta lands, the

question of regularization in terms of the G.O.Ms.Nos.58 and 59 does not arise. It is stated that as on the date of sending instructions to the Government Pleaders' Office, no applications were received with respect to the said survey numbers from respondents 5 to 8.

5. In the light of the submissions made by the learned Assistant Government Pleader, it is clear that the writ petition is filed merely on apprehension. At any rate, even assuming that any application is received by the respondent authorities seeking regularization of lands in the said survey numbers under the G.O.Ms.Nos.58 and 59, in the light of admitted fact that the lands in question are private patta lands and in view of the fact that the scheme notified under the said G.O.s is only applicable to Government lands, such applications are liable to be rejected.

6. Hence, the writ petition is disposed of. However, the petitioner may put the respondent authorities on notice through a written representation intimating the fact that the land in Survey Nos.46 and 47 of Machabollarum village, Tirumalagiri mandal, Hyderabad district, is a private patta land and caution them with regard to applications that may be made, or are made, by respondents 5 to 8 or any other person. No costs.

Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

02nd March, 2015

ksm