

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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WRIT PETITION No.24143 OF 2015

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Between:

Mohd.Ashraf Ghorl and others.

.. Petitioners

And

The Hyderabad Metropolitan Development Authority and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 04-08-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

1. Whether Reporters of Local newspapers may be allowed to see the Judgment?	Yes/No
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2. Whether the copies of judgment may be marked to Law Reporters/Journals	Yes/No
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3. Whether Their Lordship wish to see the fair copy of the Judgment?	Yes/No
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HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.24143 of 2015

ORDER:

All the writ petitioners are aggrieved by identical but separate orders passed by the 4th respondent rejecting their request for regularisation of land in their possession in terms of G.O.Ms.No.59, Revenue (Assignment-I) Department, dated 30-12-2014. Though all the petitioners have paid separate court fees, in a matter of this nature, since the orders of rejection are passed separately for each individual petitioner, it is necessary for each petitioner to file separate writ petition questioning the orders of rejection in their respective cases. However, learned Senior counsel for the petitioners states that since all the orders have same proceedings number, same date of rejection and are of same verbatim and identical, the common writ petition is filed.

In my view, even then, a common writ petition would not be appropriate. However, the writ petition is examined, as the learned Government Pleader for Assignment is duly instructed and has produced file relating to the Minutes of the Meeting of the Committee constituted under the aforesaid G.O. for scrutiny and examination of each application.

I have seen the minutes of the meeting, dated 24-07-2015, where the Committee comprising of the Revenue Divisional Officer and the Tahsildar examined the applications and on finding that none of the applications satisfy the requirement of existing functional building on the land proposed to be regularized and accordingly rejected the same based upon the conditions in the aforesaid G.O.

Learned Senior counsel for the petitioners states that though at the time of making applications, each applicant had only agreement of sale with building permission, subsequently many of them have registered sale deeds

in their favour, which have not been looked into and considered at the time of passing impugned orders.

Learned Senior counsel also states that the test of eligibility for regularization in terms of the aforesaid G.O., has not been properly applied by the Committee and the Committee appears to have rejected only on the ground that there is no functional building existing as on the cut off date i.e., 02-06-2014.

In my view, several factual aspects need actual verification and G.O.Ms.No.59 provides a mechanism for redressal of grievance of such nature, in terms of Clause 2 (xiv), where the Joint Collector is designated as Grievance Redressal Authority and he is empowered to give appropriate directions to the Committee as he deems fit.

In my view, therefore, several factual issues arise in the matter and under extraordinary jurisdiction of this Court, it is neither appropriate nor feasible to undertake such factual enquiry and it would be expeditious and appropriate that the petitioners are relegated to the grievance redressal authority.

The writ petition is, therefore, disposed of giving liberty to the petitioners to approach the Grievance Redressal Authority and make appropriate application seeking reconsideration of the rejection orders passed by the Committee as above, which are impugned herein. Since the petitioners seek an opportunity of personal hearing before the authority as above, the Joint Collector, Ranga Reddy District, shall entertain the applications of the petitioners for adjudication of their grievance and shall also fix the date to hear the counsel for the petitioners and shall re-examine the matter and pass appropriate orders in accordance with law by scrutinizing the applications of the individuals with reference to the conditions under the G.O. aforesaid and issue appropriate directions as he deems necessary.

The petitioners shall file appropriate applications as mentioned above before the Joint Collector, Ranga Reddy District, on or before 11-08-2015. The Joint Collector, shall thereafter follow the directions as above and pass appropriate orders expeditiously, preferably by the end of August, 2015.

Status-quo existing as on today as regards the land claimed by the petitioners shall be maintained by the petitioners as well as respondents till the Joint Collector considers and passes appropriate orders, as directed above.

The writ petition is accordingly disposed of. No costs.

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

Though the District Collector is impleaded as 2nd respondent herein, since the direction is issued to the Joint Collector, Ranga Reddy District, Registry shall mark a copy of this order to the Joint Collector, Ranga Reddy District.

VILAS V.AFZULPURKAR, J

Date: 04-08-2015

Note:

Issue C.C. in two days

(B/o)

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.11572 of 2015

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27-07-2015

