

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 38788 of 2012

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ORDER :

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It is the case of the petitioner that he is the absolute owner and possessor of plot No.6 in Sy.No.393/2 admeasuring 643.81 sq.meters, situated at Atmakur Village, Mangalagiri Mandal, Krishna District and the same was purchased from Thotakura Chittamma & Others through registered sale deed vide document No.1335/1998, dated 18.04.1998. It is stated that the 1st respondent has introduced L.R.S scheme under G.O.Ms.No.439, dated 13.06.2007 for regulation of unapproved and illegal layouts. In pursuant to the same, the petitioner made application on 27.12.2008 for regularization of the said plot along with requisite fees and relevant documents. Thereafter, the 3rd respondent scrutinized the application and endorsed the same to the petitioner vide proceedings Rc No.C3/1549/2008 and demanded to pay the requisite fees of Rs.91,610/- towards balance penal charges and amount of Rs.11,200/- towards the open space charges on or before 20.09.2011. Accordingly, the petitioner paid the said amount by way of Demand Draft on 17.10.2011 to the 3rd respondent. However, the 3rd respondent issued proceedings dated 29.03.2012 stating that the application of the petitioner has been examined with reference to the A.P. Regulation of Unapproved and Illegal Layout Rules, 2007 and found to be not in accordance with the said Rules and rejected the same. On 12.09.2012, the 3rd respondent again addressed letter by enclosing the cheque No.885472, dated 04.09.2012 for Rs.1,01,529/- drawn on IOB, Vijayawada stating that the application of the petitioner has been rejected as per (2) of LRS Guidelines/Rules, 2007. Aggrieved by the same, the present writ petition is filed.

2. Heard Sri Kesapuram Sudhakar, learned counsel for the petitioner and Smt. K.Mani Deepika, learned Standing Counsel for the 3rd respondent.

3. Learned counsel for the petitioner submits that having received the

application of the petitioner, scrutinized the same and directed the petitioner to pay requisite fee, which has been paid, it is not open for the 3rd respondent to reject the application of the petitioner for regularization of his plot.

4. On the other hand, learned Standing Counsel for the 3rd respondent submits that since the plot has been registered as Green Unit exclusively meant for Horticultural purposes with 20' road as access will not come under the LRS guidelines, as such, the same has been rejected and that the fees paid by the petitioner was also returned.

5. In this case, it is to be seen that when the petitioner's plot was registered as green unit exclusively meant for horticultural purpose, the same cannot be utilized for any other residential purposes. Learned counsel for the petitioner has not brought to the notice of this Court that any conversion has taken place and that the said aspect is also not disputed by the petitioner in the writ affidavit. No proceedings have been filed before this Court to show that the land belonging to the petitioner is meant for only residential purpose. When once it is the specific case of the respondent authorities that the subject land, which is purchased by the petitioner, registered as green unit exclusively meant for horticultural purposes with 20 feet road, the 3rd respondent cannot be faulted for not regularizing the plot of the petitioner for residential purposes. No Rule or any provision of law is brought to the notice of this Court to show that the petitioner is entitled for regularization of his plot. It is not shown what legal right has been violated for issuing writ of mandamus for regularization of the plot of the petitioner. Though the Government has formulated a scheme for regularization of unauthorized layouts, unless the petitioner satisfies the conditions in the said Scheme, the petitioner is not entitled for regularization of his plot. Learned counsel for the petitioner submits that he has not received the cheque in respect of the subject plot from the 3rd respondent.

This Court cannot issue mandamus contrary to the Rules framed by the respondent authorities under Regularization Scheme as per G.O.Ms.No.439, dated 13.06.2007, as such, I do not see any merit in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, it is open for the petitioner

to claim the cheque in respect of the plot from the 3rd respondent. There shall be no order as to costs. As a sequel thereto, miscellaneous applications, if any pending in this Writ Petition, shall stand closed.

A. RAJASHEKER REDDY, J

30.09.2015.

KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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W.P. No.38788 OF 2012

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Date: 30-09-2015

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