

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.22534 of 2015

ORDER:

Petitioners 1 and 2 state that they and their sister viz., Smt.K.Neeraja purchased the land admeasuring 1113.55 sq. yards in Plot Nos.82, 83 and 84 situated at Pragathi Nagar, Ramanthapur Village, Uppal Mandal, Ranga Reddy District, under a sanctioned layout Ex.P-4 and their plots are also shown in the said lay-out. It is stated that in the month of February, 2006, respondents 4 and 5 illegally demolished their compound wall. Thereupon, the petitioners filed LGC No.27/06 before the Special Court under A.P.Land Grabbing (Prohibition) Act, 1982 (for short 'the Special Court'). The said case was, however, dismissed by the Special Court on 24-08-2010. The petitioners have questioned the said order in W.P.No.31084 of 2010. The Division Bench of this Court, while admitting the said writ petition on 13-12-2010, passed the following interim order:-

“Any construction or change of the nature of the schedule property, in question, will be subject to result of the writ petition.”

The said writ petition is stated to be pending. While so, since the respondents herein are claiming the said plots as part of Sy.No.56, which belongs to the Government, the petitioners also made an application before the 2nd respondent on 11-06-2015 seeking regularization of the plots in question in terms of G.O.Ms.No.59, dated 30-12-2014. The said application is stated to be pending with the 2nd respondent. While so, the present writ petition came to be filed on the allegation that the respondents are taking up construction of proposed School building in the plots in question and the photographs filed along with the writ petition show that already pits were dug for the purpose of erecting pillars. The petitioners, therefore, has approached this Court by way of present writ petition seeking a direction against the respondents not to take up any construction, as proposed, pending consideration of the regularisation application before the 2nd respondent.

I have heard the learned senior counsel for the petitioners and the learned Government Pleader for Revenue.

According to the learned Government Pleader, the petitioners' application for regularisation is already scrutinized by the Scrutiny Committee and appropriate decision on the said application will be taken shortly.

So far as the relief sought for by the petitioners is concerned, in my view, since the same is already covered by the interim order passed by the Division Bench, which is extracted above, consequently, if the respondents take up any construction or change the nature of the suit schedule property, the same would be subject to the result of W.P.No.31084 of 2010. Hence, a separate direction restraining the construction activity cannot be granted in view of the aforesaid interim order of the Division Bench.

Hence, the writ petition is disposed of directing respondents 2 and 3 to consider the petitioners aforesaid application for regularisation, which is stated to have been already scrutinized by the Scrutiny Committee, and communicate appropriate decision to the petitioners, within two weeks from the date of receipt of a copy of this order. No costs.

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

VILAS V.AFZULPURKAR, J

Date: 29-07-2015

Note:

Issue C.C. in three days

(B/o)

Prv

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29-07-2015

