

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 44092 of 2016

Order:

Heard learned counsel for the petitioner and learned Government Pleader for respondents.

The petitioner states that he purchased an extent of 350 sq. yards, out of 1544 sq. yards, covered by a house bearing Municipal No.5-5-1048, situated at Kattalamandi, Goshamahal, Hyderabad under a registered sale deed dated 13.10.1978. His brother executed a gift settlement deed dated 29.01.2003 in his favour in respect of the land of an extent of 455 sq. yards situated adjacent to the above premises. Thus, he has been in possession and enjoyment of total land of an extent of 805 sq. yards out of 1544 sq. yards and the said land does not belong to Government at all.

The Government issued G.O.Ms.No.59, dated 30-12-2014 giving liberty to the encroachers of the Government land to apply for regularization.

This writ petition is filed when a notice was issued by the 7th respondent on 17.11.2016 stating that the said house is situated in the Government land and the petitioner is asked to avail the opportunity of regularizing his occupation. It is also stated in the said notice that if no application for regularization is filed within the stipulated time his occupation will be considered as illegal and action for eviction as per law would be initiated besides incorporating the property in the list of properties under Section 22(A) prohibiting sale as per Registration Act.

Since the case of the petitioner is that the property is a private property, which is not situated in Government land, he need not apply for regularization. When this Court pointed out his right to submit a representation to the 7th respondent, it is submitted by the learned counsel for the petitioner that in view of the threat of eviction contained in the notice he is apprehending eviction even after submission of representation.

In the circumstances, this writ petition is disposed of giving liberty to the petitioner to submit a representation bringing out to the notice of the 7th respondent all the facts relating to the title to the house within a period of one week from the date of receipt of a copy of this order and the 7th respondent is directed to consider the same and if the 7th respondent feels that the house is not situated in the Government land he may pass appropriate orders. If the 7th respondent still comes to a conclusion that the house is situated in the Government land he shall indicate the same with evidence in the order passed by him. Till such time, the petitioner shall not be evicted from the house bearing Municipal No.5-5-1048, situated at Kattalamandi, Goshamahal, Hyderabad. There shall be no order as to costs. Miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 19.12.2016
Nsr