

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.21505 OF 2016

ORDER:

This Writ Petition is filed by the petitioners by invoking Article 226 of the Constitution of India seeking the following relief:

“... to issue a writ, order or direction more particularly one on the nature of writ of mandamus declaring the high handed action of the respondents herein in trying to dispossess the petitioners from the petitioner's land in Survey Nos.591 to 600, 613 to 616, 517 to 631, 637 to 641, 684 to 686, 620 to 622, 359 to 368, 370, 371, 377 to 382, 392, 393, 807 situated in Jawaharnagar Grampanchayat, Chennapuram Village, Shamirpet Mandal, Ranga Reddy District, without any notice or opportunity in clear violation of principles of natural justice contrary to the spirit of the orders of the Hon'ble Supreme Court of India in Civil Appeal Nos.5887-5890 of 2002 passed in State of A.P. and others Vs. Kavali Ramulu and others, through the petitioners herein are in continuous possession of the subject land for the last more than 50 years since the time of their ancestors as highly illegal, arbitrary, malafide, unconstitutional, in violation of principles of natural justice, the petitioner's fundamental rights to life, occupation, property and contrary to Art.14, 15, 16, 19 (1)(g) and 21 guaranteed to the petitioner under the Constitution of India, contrary to the relevant provisions of Assignment Laws and to consequently direct the respondents herein to forthwith pass appropriate orders in favour of the petitioners herein, for assignment or regularization of the land in petitioner's occupation and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard the learned counsel for the petitioners and the learned Asst. Government Pleader for Revenue (AP). With their consent, the Writ Petition is disposed of at the stage of admission itself.

The Apex Court in its order dated 10.11.2009 passed in Civil Appeal Nos.5887-5890 of 2002 observed as follows:

“Admittedly, the respondents are illegal encroachers on the government land. Hence, ordinarily, they have no right to remain on the said land unless there is a scheme by the Government or some law made for regularization.

It is not for this Court to make such a scheme or law for regularization. It is only the concerned authorities or the concerned legislature which can make such a scheme or law.

On the facts of the case, we substitute the impugned judgment of the High Court by this order which passing today.

We permit the respondents to make a representation within four weeks from today to the State Government praying for regularization and it is up to the State Government to accept the representation or not. If they accept the representation, the Government can fix the terms on which regularization will be done. If representation is moved within the aforesaid time of four weeks, the State Government shall decide the said representation within three months from the date of filing the said representation in accordance with law.

Till the disposal of the representation by the State Government, respondents shall not be dispossessed from the land on which they are in possession.

The appeals are disposed of accordingly. No costs.”

Pursuant to said order of the Apex Court, the petitioners herein have made a representation on 10.12.2009. It is submitted by the learned Assistant Government Pleader, on instructions, that in view of the orders of the Apex Court, there cannot be any dispossession of the petitioners till their representations are disposed of. He also submits that till date, the representations of the petitioners are not disposed of.

In view of the statement of the learned Assistant Government Pleader and having regard to the order of the Apex Court, it appears that the petitioners are only apprehending that they would be dispossessed contrary to the judgment of the Apex Court.

In view of the orders of the Apex Court protecting interest of the petitioners and the statement of learned AGP, no further orders need be passed in this writ petition. However, it is needless to mention that petitioners are always at liberty to challenge if any adverse orders are passed on their representations.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

C. PRAVEEN KUMAR, J

Date: 20.10.2016

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