

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.43601 of 2016

ORDER:

Heard, learned counsel for the petitioners and learned Government Pleader for respondents.

The petitioners state that they are the absolute owners and enjoyers of the house bearing No.10-4-771/82/45 admeasuring 200 Sq. yards situated at Masab Tank, Asifnagar Mandal, Hyderabad District. It is their case that the said house belongs to their mother. She purchased the said property from another person under registered sale deed in the year 1978 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 issued by 3rd respondent on 17-11-2016 stating that the said house is situated in the Government land and the petitioners are asked to avail the opportunity of regularizing their occupation. It is also stated in the said notice that if no application for regularization is filed within the stipulated time their 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 petitioners is that the property is a private property, which is not situated in Government land, they need not apply for regularization. When this Court pointed out their right to submit a representation to the 3rd respondent, it is submitted by learned counsel for the petitioners that in view of the threat of eviction contained in the notice they are apprehending eviction even after submission of representation.

In this circumstance, this writ petition is disposed of, giving liberty to the petitioners to submit representation bringing out to the notice of the 3rd 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 3rd respondent is directed to consider the same and if the 3rd respondent feels that the house is not situated in the Government land he may pass appropriate order. If the 3rd 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 petitioners shall not be evicted from the house bearing No.10-4-771/82/45 admeasuring 200 Sq. yards situated at Masab

Tank, Asifnagar Mandal, Hyderabad District. There shall be no order as to costs. Miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

December 19, 2016

Pn



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