

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40433 OF 2014

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ORDER:

This petition is filed for a writ of *Mandamus* declaring the inaction of the 2nd respondent in implementing the G.O.Ms.No.486, Revenue (Assign-III) Department, dated 21.07.2004, issued by the Government of Andhra Pradesh in respect of regularization of land to an extent of 588 sq.mtrs., at premises bearing No.8-2-686/B/6/1, at road No.12, Banjara Hills, Hyderabad, and not executing the Deed of Regularization as done in the case of Smt.P.Vijayalakshmi and Smt.J.Srikumari, as arbitrary and illegal and for a consequential direction to the 2nd respondent to implement the G.O.Ms.No.486, by executing Deed of Regularisation.

The case of the petitioners is that the Government of Andhra Pradesh, filed a Land Grabbing Case in LGC No.139 of 1989 against one Jalagam Prasada Rao and others claiming the land to an extent of 3896 sq.mtrs., in Sy.No.403, Shaikpet Village, as Government land and to declare the respondents therein as land grabbers. In the said LGC

Sri P.Kutumba Rao, who is the husband of the 1st petitioner and father of the petitioners 2 and 3 herein was arrayed as respondent No.3. The said LGC was ordered by the Special Court by Judgment dated 23.04.1998 and the land belonging to the petitioners

therein was declared as Government land besides others land. However, the Special Court observed that the Government shall consider in its discretion collection of market rate of the land. In pursuance to the said Judgment, in LGC No.139/1989, the Government has regularized the land which was in occupation of Smt.P.Vijayalakshmi, by collecting Rs.200/- per square yard vide G.O.Ms.No.980, dated 08.12.1998 to an extent of 672.56 square yards and a regular deed of regularization was also executed in her favour by the Government represented by the 2nd respondent herein. One Smt.J.Srikumari who was party respondent No.11 in the above LGC has approached the Court to consider her case for regularization in terms of G.O.Ms.No.980, dated 08.12.1998, by filing writ petition No.2408 of 1999 and this Court disposed of the said writ petition directing the Government to consider her case as per G.O.Ms.No.980. Subsequently, the Government has issued G.O.ms.No.705, dated 01.10.1999 in favour of Smt.J.Srikumari by regularizing the land to an extent of 140 Sq.Mtrs. @ Rs.2,500/- per square meter. Similarly, the Government has also issued Lr.No.13/3902/1998, dated 01.03.1999, by fixing an amount of Rs.2,500/- per square yard for regularizing the land to an extent of 588 square meters, in respect of petitioners land. Aggrieved by the action of the Government in fixing Rs.200/- per square yard in case of Smt.P.Vijayalakshmi and Rs.2,500/- per square meter, in case of Smt.J.Srikumari and Rs.2,500/- per square yard in case of the petitioners, Smt.J.Srikumari has

filed WP.No.25282 of 1999, challenging the G.O.Ms.No.705 and the petitioners filed WP.No.26673 of 1999 challenging the Lr.No.13/3902/1998, dated 01.03.1999 on the ground of discrimination; and this Court allowed the writ petitions by common order dated 30.08.2000, directing the respondents therein to collect Rs.200/- per square yard in respect of the land which was allotted to the petitioners, within a period of two months. Aggrieved by the same, the government has preferred Writ Appeal Nos.1367 of 2000 and 1404 of 2000 and this Court dismissed the writ appeals by common order dated 30.07.2002, confirming the orders passed by the single Judge in WP.Nos.25282 and 26673 of 1999, dated 30.08.2000 and the said order has become final. Subsequently, the petitioners have filed Contempt Case No.1450 of 2005 against the District Collector, Hyderabad therein for not implementing the orders dated 30.07.2002 in WA.No.1404 of 2000. In pursuance to the same, the Government has issued G.O.Ms.No.486, dated 21.07.2004 in favour of the petitioners regularizing the land to an extent of 588 Sq.Mtrs. per square yard, mentioning about the reasons for issuance of the said G.O., and the same has been intimated through Memo dated 31.07.2004. In pursuance of the said memo the petitioners have deposited the amount vide Challan dated 18.08.2004 for Rs.1,40,800/- and inspite of the same, no Conveyance Deed was executed in favour of petitioners. Whereas, in case of Smt.J.Srikumar, who is also filed writ petition along with the petitioners, District

Collector has executed Deed of Regularization on 04.08.2003. But, in case of the petitioners though G.O.Ms.No.486, was issued way back on 21.07.2004, the Government has not issued regularization deed in favour of petitioners. Aggrieved by the same, present writ petition is filed.

This Court ordered Notice before Admission on 30.12.2014, and when the matter was listed on 18.04.2016, the Government Pleader for Revenue took time for getting instructions. Now, the Government Pleader placed written instructions wherein the facts stated by the petitioners are admitted. It is also stated that the proceedings in pursuance to G.O.Ms.No.486 are halted due to excess land in the occupation of the petitioners than mentioned in the G.O. and that the extent of regularization of the land in respect of 588 Square Meters was not regularized as the market value of the said land was around Rs.60,000 to 70,000/- and that the CCLA was requested to give instructions for regularization in the matter whether to execute the conveyance deed as per the G.O.Ms.No.486, as more than 10 years period was elapsed with various reasons without execution of the Conveyance Deed.

Heard learned counsel for the petitioners.

Learned Government Pleader for Revenue opposed the writ petition stating that unless instructions are received from CCLA, no Conveyance Deed can be executed.

Admittedly, G.O.Ms.No.486, dated 21.07.2004 which was issued in pursuance to the orders dated 30.08.2000, passed by this Court in WP.No.26673 of 1999, that filing of writ petitions by the petitioners along with one Smt.J.Srikumari; and that execution of Conveyance Deed in favour of J.Srikumari are not in dispute. The payment of amount by the petitioners in pursuance to the G.O.Ms.No.486 is also not in dispute. In the written instructions, the only reason mentioned is that since G.O.Ms.No.486 was issued ten years ago and since the value of the land increased, the Collector wants to seek instructions from CCLA. Initially, when the respondents sought to collect amounts from the petitioners @ Rs.2,500/-, and Rs.200/- from other similarly situated persons, petitioners filed writ petition on the ground of discrimination and the said writ petition was allowed and the Government without challenging the said order, issued G.O.Ms.No.486, dated 21.07.2004. Once the G.O was issued petitioners made payment and when regularization orders were passed in respect of other similarly situated persons, who filed writ petition along with the petitioners earlier, there is no justification for the 2nd respondent to deny the same relief to the petitioners. Even the so called written instructions placed before this Court also does not justify action of the respondents.

In view of above facts and circumstances, the writ petition is allowed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if

any, pending in the writ petition, shall stand closed.

A.RAJASHEKER
REDDY, J

28.04.2016
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