

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22115 OF 2009

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Review W.V.M.P.No.2071 of 2010

O R D E R :

This writ petition is filed declaring the impugned G.O.Ms.No.1451 dated 06.12.2008 and G.O.Ms.No.727 dated 17.07.2009, as illegal and contrary to G.O.Ms.No.455 dated 29.07.2002.

The case of the petitioners is that under the impugned G.O.Ms.No.1451 dated 06.12.2008, surplus land which was taken possession of under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 to an extent of Ac.9-14 guntas in S.Nos.82, 122 and 123 Part of Saidabad Village and Mandal, Hyderabad District and under occupation of 3rd parties were allotted in favour of 7th respondent and under G.O.Ms.No.727, surplus land which was taken possession of under the provisions of the Principal Act, 1976 in S.Nos. 65 to 77, 123/1/P and 125/1/P of Saidabad Village and Mandal of Hyderabad District and under occupation of 3rd parties, was allotted in favour of the 8th respondent. According to the petitioners, they are in occupation of the Government land in the above survey numbers, therefore, they have filed applications for regularisation of their occupation and the same is pending. Without considering their applications for regularisation, the present G.O. is issued which is arbitrary and contrary to G.O.Ms.No.455 dated 29.07.2007, as the land

was never registered in the name of the 7th respondent-society or its members and they were never in possession of the property.

When the writ petition is taken up for hearing on 21.12.2009, the status quo order granted on 14.10.2009 in WPMP.No.28721 of 2009 and interim direction granted in WPMP.No.28722 of 2009 are vacated by observing that as per G.O.Ms.No.457 dated 24.03.2003, there is no necessity or requirement of registration of the land in favour of either the Society or individual members of the Society.

Counter affidavit is filed by the 5th respondent stating that on 09.02.2005, when a fire accident occurred in Singareni colony, the identified victims in the area are 2079 and non-fire victims are 945, both put together 3024 victims. Of the above, 1792 fire victims were accommodated in Vambay housing constructed in the same area in an extent of Ac.7-00 surrendered by 7th respondent.

Learned counsel for the 7th and 8th respondent submit that the W.P.No.9837 of 2007 and W.P.No.3620 of 2003 filed by similarly situated persons were dismissed by this Court vide order dated 25.08.2004. It is also stated that the interim orders granted earlier were vacated after going into the merits of the case and no appeal was filed against the same. He further submits that the facts in W.P.No.9837 of 2007 are similar to the facts of this writ petition. A perusal of the order dated 25.08.2004 in W.P.No.9837 of 2007 goes to show that

lis in the present writ petition is covered by the adjudication in the above said writ petition.

In view of the same, for the reasons alike in W.P.No.9837 of 2007, this writ petition is also liable to be dismissed. Accordingly, the writ petition is dismissed. Consequently, the Review petition is also dismissed. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

26.10.2016
dv

A.RAJASHEKER REDDY, J

