

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.14537 OF 2011

ORDER:

It is the case of the petitioners that they are the owners of the house bearing No.3-3/3 admeasuring 2000 square yards having purchased plot Nos.216/A to 216/D under registered sale deeds from 1987 to 1988 and constructed houses thereon. The constructions were regularized by issuing permit on 24.02.2001. The flats were also regularized under the Andhra Pradesh Regularization of Layout Rules, 2007, by issuing appropriate proceedings on 10.02.2009. When information was sought by the petitioners from the second respondent with regard to the approval of the layout in respect of the land covered by Survey Nos.45 to 50, it was stated on 07.10.2009 that the second respondent has not approved any layout in respect of the land covered by Survey Nos.45 to 50. However, a show cause notice was issued by the second respondent on 20.04.2011 for cancellation of the orders of regularization issued earlier as the plots are situated in the park area of Gram Panchayat layout. The petitioners submitted their explanation on 26.04.2011 to the said show cause notice but the said explanation is not considered and when the officials of the third respondent came to the house on 16.05.2011, they filed the present Writ Petition.

This Court, by order dated 09.06.2011, granted stay of dispossession for a period of two weeks and the said order was directed to be continued until further orders. As a result of which, stay of dispossession is continuing.

Now, a counter affidavit is filed, along with the petition to vacate the stay order, by the second respondent stating that the petitioners

should have waited till a final order is passed after considering the explanation dated 26.04.2011. It was also stated that a Division Bench of this Court disposed of WP.No2315 of 1999 on 16.09.1999, which was filed at the instance of some residents of Peerzadiguda Gram Panchayat, directing the authorities to protect the public utility areas. In pursuance of the said direction only, the impugned show cause notice dated 20.04.2011 was issued to the petitioners.

In view of the submission of the explanation by the petitioners to the show cause notice dated 20.04.2011 on 26.04.2011, this Court, without expressing any opinion on the merits of the case, is inclined to dispose of the Writ Petition directing the second respondent to consider the explanation submitted to the show cause notice in accordance with law and pass appropriate orders within a period of three (3) months from the date of receipt of a copy of this order. Till such time, no action of dispossession of the petitioners from the land in occupation of the petitioners shall be taken.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(A.RAMALINGESWARA RAO, J)

28th December 2016
RRB