

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.17907 of 2016

ORDER:

This writ petition is filed against the order dated 25-05-2015 in proceedings No.12/4245/2015, wherein the order passed by the 3rd respondent rejecting the petitioner's application for regularization of the lands in terms of G.O.Ms.No.59, dated 30-12-2014.

Sri V.Venkat Ramana, Senior Counsel for the petitioner contends that both the authorities without considering the application of the petitioner in proper perspective rejected the case of the petitioner. He further submits that no opportunity was given to the petitioner by the 3rd respondent while passing the impugned order. He also submits that report of the Tahsildar is not furnished to the petitioner.

On the other hand, learned Assistant Government Pleader for Revenue submits that since the petitioner was not in possession of subject land, no permanent structures are raised. The 4th respondent-Tahsildar has rightly rejected the application of the petitioner, which was confirmed by the 3rd respondent.

In this case, it is to be seen that application of the petitioner is to be considered in terms of G.O.Ms.No.59, dated 30-12-2014. The criteria for consideration of application for regularization itself is given in the 1st part of

G.O. which reads as follows:

“ In the meeting of all political parties held on 16-12-2014, all participants stated that there is a need to regularize possession of government lands, which are having dwelling units and permanent structures and people are in occupation of these bits of land since a long time. It was also recognized that such a step will be in public interest as it will bring clarity about title of land and promote planned development and improvement of services. Local bodies as eligible for provision of all services will recognize these in a regular way.”

Even in the appeal before the appellate authority, it is not the case of the petitioner that any permanent structures are there in the subject land. Even before the appellate authority, the petitioner was not given opportunity. The factual finding of the both authorities is petitioner is not in possession of the subject land and no permanent structures are raised and as such, condition precedent for regularization of the lands under G.O.Ms.No.59, dated 30-12-2014 is the possession of government lands, which are having dwelling units and permanent structures and people are in occupation of these bits of land since a long time has no application to case of the petitioner. According to both authorities, this condition was not satisfied. These are questions of fact and both authorities found the petitioner is not in possession of the subject land. This Court is not inclined to interfere with the finding of fact arrived at by both authorities by exercising power under Article 227 of Constitution of India.

Accordingly, the writ petition is dismissed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

09-06-2016
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