

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.41767 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents. With their consent, the present writ petition is disposed of at the admission stage itself.

2. The present Writ Petition came to be filed with the following relief:

“.....to issue a Writ, Order or Direction, particularly a writ in the nature of mandamus, declaring the action of the respondents herein in attempting to allot Plot No.JT-5 to an extent of Ac.0.34 cents in Sy.No.86 of Gajuwaka Village and Mandal, Visakhapatnam District to third parties pending application for regularisation of the above plot as illegal, arbitrary and violative of principles of natural justice and the orders of this Hon'ble Court passed in W.P.Nos.26098/2000, 12738/2001 and 21980/2003 and consequently direct the 2nd respondent herein to consider the application of the petitioner submitted for regularisation of the petitioner Plot No.JT-5 to an extent of Ac.0.34 cents in Sy.No.86 of Gajuwaka Village and Mandal, Visakhapatnam District.”

3. A perusal of the material placed before this Court would show that earlier, the petitioner along with others filed W.P.Nos.26098 of 2000, 12738 of 2001 and 21980 of 2003. By an order dated 22.09.2008, this Hon'ble Court disposed of the writ petitions giving liberty to the petitioners therein to approach the Officer concerned within a period of eight (08) weeks from the date of said order for

regularisation of their occupation in terms of G.O.Ms.No.44 and if such applications are received, the competent authority was directed to dispose of the same expeditiously. It is further observed that till disposal of the petitioners' applications, if made within the above-stipulated time, their possession shall not be interfered with. Subsequently, the petitioners along with others filed W.P.Nos.4234 and 7792 of 2009 to declare the action of the respondents in not considering their applications for regularisation of their plots as illegal and arbitrary. By an order dated 23.06.2010, this Hon'ble Court disposed of the said writ petitions directing the authorities to consider the applications in terms of G.O.Ms.No.44, dated 11.02.2008 and G.O.Ms.No.166, dated 16.02.2008, as the case may be. It is further directed that the said exercise shall be completed expeditiously and not later than two months from the date of receipt of the duly completed applications of the petitioners.

4. Learned counsel for the petitioner would submit that in spite of the orders passed by this Court, the applications of the petitioner and others are still pending and the respondents are now trying to alienate the property in favour of the third parties without issuing any notice to the petitioner and others.

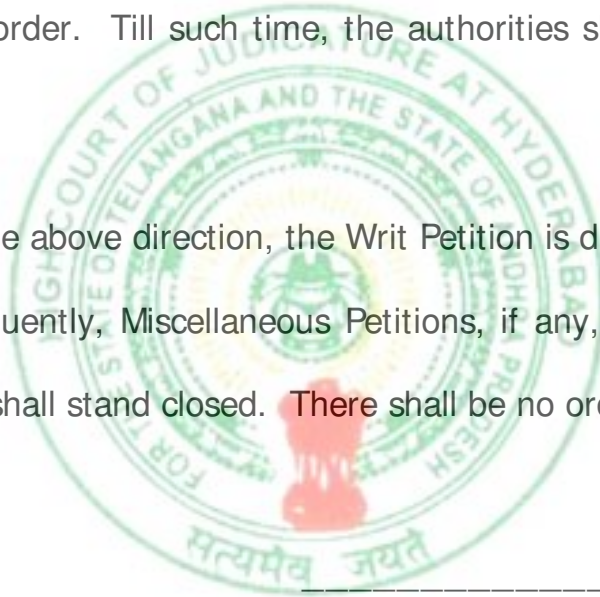
5. Learned Government Pleader for Revenue submits that a suitable direction may be given to the respondents to dispose of the application submitted by the petitioner within a reasonable time.

6. It is to be noted that such a direction was already given in W.P.Nos.4234 and 7792 of 2009, but the applications are still pending consideration.

7. However, having regard to the request made, the application submitted by the petitioner seeking regularisation of his plot No.JT-5 to an extent of Ac.0.34 cents in Sy.No.86 of Gajuwaka Village and Mandal, Visakhapatnam, shall be considered, in accordance with law, within a period of eight (08) weeks from the date of receipt of a copy of this order. Till such time, the authorities shall not alienate the said land.

8. With the above direction, the Writ Petition is disposed of.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.



JUSTICE C. PRAVEEN KUMAR

Date:02.12.2016

Note: Furnish CC by 06.12.2016

(B/O)

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