

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.44145 of 2016

ORDER:

Heard learned Counsel for the petitioner and learned Government Pleader for respondents.

2. The petitioner states that he is the absolute owner and enjoyer of the house bearing Municipal No.19-2-227/14 admeasuring 154 Square yards situated at Bahadurpura village and Mandal, Hyderabad, having purchased the same by way of a registered sale deed dated 28.05.1994 from one Smt.Khaja Begum. The vendor of the petitioner purchased the said property from one Mohd.Syed Iqbal under a registered sale deed dated 30.03.1975. It is further stated that the subject land is a private land and does not belong to the Government at all. The Government issued G.O.Ms.No.59, Revenue (Assignment-I) Department, dated 30-12-2014 giving liberty to the encroachers of the Government land to apply for regularization.

3. This writ petition is filed when a notice was issued by the 3rd respondent on 24-11-2016 stating that the said house is situated in the Government land and the petitioner is asked to avail the opportunity of regularizing his occupation. It is also stated in the said notice that if no application for regularization is filed within the stipulated time, his occupation will be considered as illegal and action for eviction as per law would be initiated besides

incorporating the property in the list of properties under Section 22(A) prohibiting sale as per Registration Act.

4. Since the case of the petitioner is that the property is a private property, which is not situated in Government land, he need not apply for regularization. When this Court pointed out the right of the petitioner to submit a representation to the 3rd respondent, it is submitted by the learned Counsel for the petitioner that the petitioner had already submitted a representation on 06.12.2016 bringing it to the notice of the 3rd respondent with regard to the title claimed by the petitioner.

5. In the circumstances, this Writ Petition is disposed of directing the 3rd respondent to consider the representation submitted by the petitioner on 06.12.2016 and if the 3rd respondent feels that the house is not situated in the Government land he may pass appropriate order. If the 3rd respondent still comes to a conclusion that the house is situated in the Government land, he shall indicate the same with evidence in the order passed by him. Till such time the petitioner shall not be evicted from the house bearing Municipal No. 19-2-227/14 admeasuring 154 Square yards situated at Bahadurpura village and Mandal, Hyderabad. There shall be no order as to costs. Miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

19-12-2016
Gsn