

THE HONBLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.34394 of 2011

ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for Revenue and perused the material available on record.

The present writ petition came to be filed seeking issuance of Writ of Mandamus to direct the 2nd respondent to consider the petitioner's application/representation dated 28.11.2011 for regularization of his house property within the stipulated time as fixed by the Court and declare the action of respondents 2 to 5 in person in interfering with the possession of the petitioner over the house and its appurtenant land bearing No.12-112 situated at Huzurnagar Post and Mandal, Nalgonda District and their attempts to dispossess the petitioner without following the due process of law, as illegal and arbitrary and also direct the respondents 2 to 5 not to interfere and dispossess the petitioner from his house without following due process of law.

The averments made in the affidavit filed in support of the writ petition show that the petitioner belongs to S.T. community and he is in possession and occupation of house bearing No.12-112 situated at Huzurnagar, Nalgonda District admeasuring 250 sq. yards and that the said house was originally belonged to the Government. Several decades ago, many a number of poor people occupied several extents of land and built their houses and started residing there. Similarly, the petitioner's house plot was also occupied by some unknown person initially and thereafter, the same has been in possession of various persons from time to time. The Huzurnagar Gram Panchayat recognized their possession, allotted house number and were providing all facilities

to the inmates. It is also submitted that prior to the occupation of the petitioner, one Bhukya Venkateshwarlu Naik was in possession of the said house. Due to personal problems, he left the village and handed over the possession of the house to the petitioner on 24.12.2005 under an unregistered agreement and since then the petitioner claims to be in peaceful possession of the house without any interference from any corner. The inaction of the respondents in regularising the plot in favour of the petitioner led to filing of the present writ petition.

The 2nd respondent filed counter affidavit denying the averments made in the writ petition. It is said that the house bearing No.12-112 falls in Gram Khantam in which about 5500 houses are existing with house numbers. At the time of settlement, the area covered by the residential houses are recorded as Grama Khantam for which no survey number was assigned. Therefore, the matter was referred to the Commissioner, Nagara Panchayath, Huzurnagar vide letter No.E1/118/2012, dated 25.02.2012 and the Commissioner submitted a detailed report dated 16.02.2012 stating that the property in question falls within the limits of Nagara Panchayat, Huzurnagar and it is a private property and does not belong to the Government. It is further submitted that one Narasingulu Veeraiah, father of the 5th respondent was the original owner of the said property for the last few decades and the same was recorded in Form II of Huzurnagar Panchayat. It is further stated that he paid taxes and after his death, the property remained in possession of his wife Smt Narasingula Ramakotamma, who in turn gifted the same to her daughter Smt Kattekola Radhalakshmi W/o Ramaiah, 5th respondent vide registered gift deed document No.1518 of 2007, dated 27.04.2007 and her name also mutated

vide proceedings No.33/GPH/2007, dated 06.09.2007. It is said that since then she is the owner and possessor of the said property and paying property tax regularly. It is further submitted that though it is situated in Grama Khantham area, it is a private property and does not belong to the Government. It is also submitted that the petitioner is not residing in the said property and he is falsely claiming the possession of the said property. The application made by the petitioner seeking regularisation under G.O.Ms.No.166, dated 16.08.2008 on 28.11.2011 and by that time the period prescribed was over, hence, the petitioner is not entitled for any relief.

Learned Government Pleader for Revenue submitted that G.O.Ms.No.166, dated 16.08.2008 was withdrawn by the Government in view of the order dated 10.09.2015 passed in PIL No.517 of 2013.

Having regard to the orders passed in PIL No.517 of 2013, dated 10.09.2015, the question of directing the respondents to implement G.O.Ms.No.166, dated 16.08.2008 would not arise for consideration. Therefore, the relief sought for by the petitioner cannot be granted. However, it is left open to the petitioner to avail remedies available under law, in which event, the same shall be dealt with in accordance with law.

With the above observation, the writ petition is disposed of.

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: 20.01.2016

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