

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 20527 OF 2015

ORDER:

The petitioners filed this writ petition challenging the order of regularization, dated 29.07.2013, granted by the Kakatiya Urban Development Authority, 2nd respondent, in favour of respondent No.4 and his family members.

Learned counsel for the petitioners submits that though no road was existing initially on the northern side, respondent No.4 showed as if a road is existing on northern side, which is affecting the petitioners' property and therefore the impugned proceedings are illegal. He further submits that the petitioners filed a suit against the 4th respondent and his son, wherein the trial Court granted ad-interim injunction and therefore respondent No.4 cannot interfere with the property belonging to the petitioners.

Learned counsel for respondent N.4 submits that the total extent of land owned by respondent No.4 and his family members is 1543.44 square meters and as the layout in which their plots are located is not having the approval, under the land regularization scheme, they have applied for regularization. While applying for regularization, respondent No.4 has shown road on the northern side from out of the land belonging to them and accordingly, regularization was granted only to an extent of 1379.85 square meters by showing 83.61 square meters as land affected under junction roads. Learned counsel therefore submits that the road shown on the northern side is formed from out of the land belonging to respondent N.4 without affecting the land belonging to the petitioners.

Learned counsel for the petitioners submits that if the above statement of the learned counsel for respondent No.4 is recorded, the petitioners would be

satisfied, as their interest is only to protect their land and they have no other grievance with regard to the regularization granted to respondent No.4.

From a perusal of the order of regularization, dated 29.07.2013, it is clear that though the total extent of land claimed by respondent No.4 is 1543.44 square meters, an extent of 79.98 square meters of land is shown as area occupied by the roads (land effected under 33' road). Therefore, these proceedings would justify the claim of respondent No.4 and his family members that from out of their land only 33' road is shown.

Learned counsel for respondent No.4, on instructions from his client, submits that the apprehension expressed by the petitioners that their land is being affected by showing existence of 33' road in the regularization proceedings of the 2nd respondent, no more survives.

Having regard to the above statement of respondent No.4, no further orders are required in the writ petition. The writ petition is accordingly disposed of and the interim order granted earlier is vacated.

Miscellaneous petitions, if any, shall stand closed. No order as to costs.

P. NAVEEN RAO, J

Date: 20.12.2016
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