

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2878 OF 2006

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed with the following prayer:

“to issue a Writ in the nature of Writ of Mandamus or any other appropriate Writ of Writs, order or Direction, declaring the notification dt. 13-3-2003 published in AP Gazette No. 56, issued under section 10(3) of the Urban Land (Ceiling & Regulation) Act, on the file of the first respondent, and the order dt. 28-3-2001 in ULC Appeal No. Hyd/326/93 on the file of the 2nd respondent, and the order dt. 15-10-1993 issued under section 8(4) of the Urban Land (Ceiling & Regulation) Act, in proc. No. H/1970/76 H/97/79, H/98/79 & H/100/79 on the file of the third respondent, as illegal, arbitrary, without jurisdiction and contrary to the provisions of Urban Land (Ceiling & Regulation) Act, 1976; Award costs and pass such other or further orders as are deemed fit and proper in the circumstances of the case.”

2. On 28.04.2006 this Court passed an order in W.P.M.P.No.3554 of 2006, which reads as follows:

“After perusing the impugned order passed by the Special Officer and competent authority, which was also confirmed by the Commissioner of Appeals and also taking into consideration that the petitioners have not challenged the appellate order, dated 28.03.2001 within time and they choose to file the writ petition only at the stage of issue of notices under Section 10 (5) of Urban Land (Ceiling and Regulation) Act, 1976. This Court does not find any balance of convenience.

The WPMP is accordingly dismissed.”

3. Aggrieved by the said order, the writ petitioners filed Writ Appeal No.525 of 2006. The Division Bench of this Court observed in the order that as per the notice, dated 11.01.2006, issued by the 3rd respondent, it is evident that the appellants are in possession of the subject lands and accordingly, allowed the appeal on 23.05.2006 and consequently

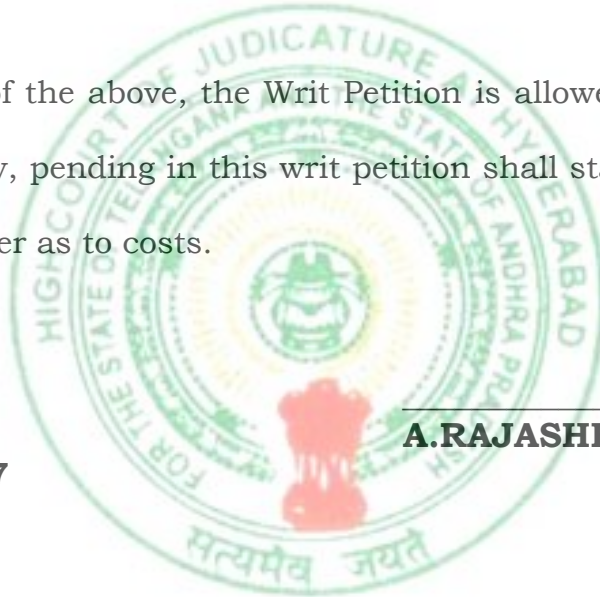
W.P.M.P.No.3554 of 2006 was also allowed granting stay of dispossession of the appellants from the lands in question till disposal of the writ petition.

4. After passing of the order in the Writ Appeal, the respondents filed counter in the writ petition admitting that the petitioners are in possession of the subject lands. Once the possession is not taken, the proceedings under Urban Land (Ceiling & Regulation) Act, 1976 stands abated in view of adoption of the Urban Land (Ceiling & Regulation) Repeal Act, 1999, issued by virtue of G.O.Ms.No.603, Revenue (UC.I), dated 22.04.2008, which came into effect on 27.03.2008.

5. In view of the above, the Writ Petition is allowed. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JULY 11, 2017
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A.RAJASHEKER REDDY, J



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Date: 11.07.2017

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