

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.24019 of 2017

ORDER:

The petitioner complains against the inaction of respondents in refunding the amount deposited by petitioner towards regularisation fee, as illegal, arbitrary and unconstitutional.

2. The request made by petitioner on 19.01.2015 to 3rd respondent for regularisation of plot under G.O.Ms.No.59 Rev. (Assgn.I) Department dated 30.12.2014, was rejected by 3rd respondent through Memo No.E/ 07/ 55/ 2015 dated 25.09.2015 and reads as follows:

“Government of Telangana
Revenue Department
Office of the Tahsildar, Shaikpet Mandal, Hyderabad District

No.E/ 07/ 55/ 2015

Dated : 25.09.2015

MEMO

Sub: Shaikpet Mandal –Hyderabad District –Regularisation and transfer of rights on lands in respect of possession on Un-objectionable Government land and surplus land under Urban Land Ceiling –Rejected by the Committee –Intimation –reg.

- Ref: 1. G.O.Ms.No.59, Rev. (Assgn.I) Dept., dated 30.12.2014.
2. G.O.Ms.No.12, Rev. (Assgn.I) Dept., dated 30.01.2015.
3. A/ o Sri Syed Noor-ul-Musthafa, Dt.03.02.2015.
4. Report of the Enquiry Officer, Dt.15.08.2016.
5. Report of the Dt. Inspector of Survey, dated: 15.08.2015
6. Committee meeting held on 31.08.2015.

In pursuance of the G.O.Ms.No.59, Revenue (Assgn.II) Department, dated 30.12.2014 one Sri. Syed Noor Ul Mujtaba, S/o Sri Syed Mustafa has filed application for regularisation in respect of the land to an extent of 125 sq. yds. Bearing premises No.8-1-523/ 92/ A, Brindavan Colony, Shaikpet, Hyderabad.

The application has been got enquired through the Surveyor/ Dy.IOS of this office and it reveals that the land in question admeasuring 125 sq. yds falls in T.S.No.16, Block – B Ward No.12 and which is classified as Government Nala. Since, the land is objectionable Nala land and it does not satisfy the conditions of the G.O.Ms.No.59, Dt. 30.12.2014.

The case is placed before the Committee meeting held on 20.08.2015 headed by Revenue Divisional Officer, Sec'bad division as Chairman and Tahsildar, Shaikpet Mandal as the Convener. After examining the documents and enquiry report the committee rejected the case since the land is objectionable.

Sd/ - Tahsildar
Shaikpet Mandal.”

3. The petitioner now is not aggrieved by the rejection order. But the grievance is that the amount deposited towards regularisation fee ought not to have been withheld by respondents and should have been returned along with Memo dated 25.09.2015. Hence, the writ petition.

4. The Assistant Government Pleader (Revenue) by referring to written instructions received from 3rd respondent, submits that the respondents have taken steps for refunding the amount and payment takes about two to three months.

5. The circumstances are not in dispute and the obligation of Government to refund the amount deposited by petitioner towards regularisation fee. By accepting the time requested by 3rd respondent, the writ petition is disposed of by this order.

- a) The petitioner is directed to re-submit the request for refund by enclosing a copy of this order, to 3rd respondent within three weeks from today;
- b) The 3rd respondent shall take prompt action and pay amount within three months from today. If the amount as directed by this is not paid within three months, the respondents come under obligation to refund the amount together interest at 6% per annum from the date of Memo dated 25.09.2015, till the date of repayment.

No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 21.07.2017
BSS

S.V. BHATT, J

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