

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.8610 of 2012

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking to declare the action of the respondents in not regularizing petitioner's house property bearing Municipal No.10-113/A, Azad Nagar, Kodad Town & Municipality, Nalgonda District (for short 'subject property'), as illegal and arbitrary.

The case of the petitioner, in brief, is as follows:

The petitioner claims to be the absolute owner and possessor of the subject property having acquired the same through his ancestors. In the year 1960, his grandfather by name Vadapalli Anjaiah is said to have erected a hut in the subject land and later his father raised a permanent structure in the said land. After death of his father, petitioner erected a permanent structure with asbestos by constructing two rooms. The Government of Andhra Pradesh issued guidelines for transfer of rights on occupations/encroachments of specified categories of unassigned government lands in the State by way of structures or otherwise, on payment basis, vide GO Ms.No.508 dated 20.10.1995 read with GO Ms.No.972 dated 04.12.1998. Basing on GO Ms.No.20.10.1995, the first respondent issued the Proceedings No.E1/708/96 dated 07.08.2000. Pursuant thereto, the petitioner made an application dated 06.02.2012 to the second respondent requesting him to forward his application to first respondent, recommending his case for regularization of subject property. Alleging inaction on the part of the respondents in acting on his representation, the present Writ Petition came to be filed.

Initially on 29.03.2012, this Court granted an interim order of status quo to be maintained with regard to possession, for a limited period. However, the same was not extended subsequently.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue for respondents.

Learned AGP, on instructions, would submit that two GOs, which are sought to be relied upon, are not in force as on today and subsequently, the Government issued GO Ms.No.58 Revenue (Assignment-I) Department dated 30.12.2014 and GO Ms.No.59 Revenue (Assignment-I) Department dated 30.12.2014. He further submits that subsequent to the issuance of latter GOs, the petitioner herein made another application for regularization in terms of said GOs, which was rejected on 02.03.2015 vide File No.A/438/2015.

In view of the submissions made by the learned AGP, nothing further survives for adjudication in this Writ Petition and the only remedy available to the petitioner is to challenge the order of rejection dated 02.03.2015.

Therefore, the Writ Petition is dismissed giving liberty to the petitioner to avail the remedies available to him under law, by questioning the rejection order dated 02.03.2015.

At this stage, the learned counsel for the petitioner would submit that irreparable loss would be caused to the petitioner if the authorities demolish the structure exists in the subject property. Having regard to the same, *status quo* as on today shall be maintained for a period of three weeks from today so as to enable the petitioner to avail the remedies available to him under law.

Miscellaneous petitions pending in this writ petition, if any,
shall stand closed. No costs.

JUSTICE C. PRAVEEN KUMAR

17.08.2017
sur

