

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.29655 OF 2017

Dated:04.09.2017

Between:

Vadapalli Soma Sekhar,
S/o. Muralidhar, 35 years,
R/o.H.No.10-113/A, Azad Nagar,
Kodad Town and Mandal, Suryapet District .. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Municipal
Administration and Urban Development
Department, Secretariat Buildings,
Hyderabad and others .. Respondents



The Court made the following:

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ORDER:

Petitioner claims to be the owner and possessor of the house property bearing No.10-113/A, Azadnagar, Kodad Town and Municipality, Nalgonda District, which was constructed in an area of 70 sq. yards. According to petitioner, permanent structure was erected long ago when his father was alive and after death of his father, petitioner succeeded to the said property and is continuing therein by eking out his livelihood as Motor Mechanic. He applied for regularization of the said property. However, by the order impugned, the said request is rejected. Earlier, petitioner filed W.P.No.8610 of 2012 alleging inaction in regularizing the said property. While considering the said Writ Petition, it was brought to the notice of the Court that earlier application of the petitioner for regularization of property was rejected on 02.03.2015. Taking note of the same, the said Writ Petition was dismissed on 17.08.2017 granting liberty to the petitioner to avail appropriate remedy. Challenging the same, this Writ Petition is filed.

2. When the matter is taken up for consideration, learned Government Pleader for Revenue pointed out that against the order dated 02.03.2015, remedy of appeal is available and without exhausting the said remedy, the petitioner filed this Writ Petition.

3. Learned counsel for the petitioner, while accepting the said objection, would submit that pending disposal of the appeal, the petitioner should not be dispossessed from the subject property.

4. *Prima facie*, on perusal of the photographs, it does not appear that it is the same property on which construction is made. However, this is a matter for consideration of the appellate authority and taking an appropriate action as required by law.

5. The Writ Petition is accordingly dismissed leaving it open to the petitioner to avail the remedy of appeal, including filing an application for grant of interlocutory order pending the appeal. It is needless to observe that for a period of four weeks from the date of filing appeal or till interlocutory petition is disposed of, whichever is earlier, the respondents shall not dispossess the petitioner from the subject property, if not already dispossessed. This order is valid subject to the petitioner preferring appeal within a period of two weeks from today. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

Date:04.09.2017

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P. NAVEEN RAO, J