

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 17061 of 2007

Order:

Heard learned counsel for the petitioner and learned Government Pleader for the respondent.

The facts in the instant case are not in dispute. The father of the petitioner purchased an extent of Ac.282.61 sq. meters equivalent to 338.3 sq. yards of site situated in D.Nos.545/A1 and C1 of Guntur town under a sale deed dated 25.02.1982 for a valuable consideration. The father of the petitioner was in possession and enjoyment of the same since the date of purchase. After some time, he constructed ACC sheets roofed house. The same was given Door No.15-13-137/B and house tax is being collected. The property was purchased by the father of the petitioner after his vendor issued a notice under Section 26 of the Urban Land Ceiling Act to the respondent and the respondent issuing proceedings on 03.02.1982 stating that he does not want to exercise the first option to purchase the land. The house was given to the petitioner by her father under Pasupukunkuma and executed a registered gift deed dated 31.12.2003. The petitioner came to know that the land is a surplus land under the provisions of the Urban Land Ceiling Act and when the Government issued G.O.Ms.No.455, Revenue (UC.I) Department, dated 29.07.2002 for regularization/allotment of the lands vested in the Government under Section 10(3) of the Act the petitioner submitted an application after the prescribed period. The petitioner expressed her willingness to pay the penalty, if any, for consideration of her application, but the respondent did not consider her application on the ground that the

last date for regularization expired by 31.03.2006. In those circumstances, the present Writ Petition was filed.

The respondent filed a counter affidavit stating that the surplus land was taken possession under Section 10(6) of the Urban Land Ceiling Act on 08.10.1995 and an extent of 258 sq. meters in D.No.545/A/1A2 and an extent of 378 sq. meters in D.No.545/A/2A4 out of the surplus land was allotted to VGTM, UDA, Vijayawada vide proceedings of the Special Officer and Competent Authority, Urban Land Ceilings, Guntur district dated 26.06.2004 as per G.O.Ms.No.166, Revenue Department, dated 03.03.2001. The respondent admitted receipt of registered notices of the petitioner dated 01.12.2006 and 16.12.2006, but submitted that the land was allotted to VGTM, UDA, Vijayawada and the time expired for receipt of application for regularization. It is also stated that no application of the petitioner is pending.

Now the learned counsel for the petitioner submitted that the time for consideration of the applications is extended from time to time under various government orders including G.O.Ms.No.747 dated 18.06.2008 and G.O.Ms.No.1480 dated 11.12.2008. He further submitted that in view of the expiry of the last date for receipt of application on 31.03.2006 the respondent did not receive the application and in those circumstances only the respondent is stating that no application of the petitioner is pending.

In the light of the above facts of the case, since the structure constructed by the petitioner was existing and the property was purchased after issuance of notice under Section 26 of the Urban Land Ceiling Act, it is in the fitness of things that the respondent shall consider the application for regularization as the same is provided under various Government Orders. Though, initially 31.03.2006 was fixed for receipt of applications,

the time was extended from time to time. The petitioner initially made an oral request and subsequently issued notices which were admitted to have been received by the respondent.

In the circumstances, this Writ Petition is allowed by directing the respondent to consider the application of the petitioner for regularization in accordance with the Government Orders by receiving the application and collecting necessary fee and dispose of the same within a period of six (6) months from the date of receipt of the same. Till such time, the possession of the petitioner shall not be disturbed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

Date: 08.06.2017
Nsr

A. RAMALINGESWARA RAO, J

