

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE DR JUSTICE SHAMEEM AKTHER

Writ Appeal No.312 of 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.16285 of 2012 dated 04.01.2016. The appellants herein are the petitioners in the writ petition. They sought a direction to the respondents in the writ petition not to dismantle the duly formed layout known as Ragala's Royal Village in certain survey numbers of Guduru Village, Bibinagar Mandal, Nalgonda District.

In the order under appeal the Learned Single Judge recorded the submission of Sri Nimmagadda Satyanarayana, learned counsel who appeared before the Learned Single Judge on behalf of the appellants, that, in case the purchasers of the plots of the subject lay out requested for regularisation, and such request could not be considered and the lay out was not regularised as per law and rules, the purchasers of the plots could be given an opportunity to proceed against the petitioners and others concerned in the manner which the law permits; and the writ petition may be disposed of recording the submissions.

Sri Sita Ram Chaparla, learned counsel for the appellant-writ petitioners, contended before us that the order, which records the learned counsel for the writ petitioners having made such submission, is erroneous; and the learned counsel for the writ petitioners did not make such submissions. When we pointed out to Sri Sita Ram Chaparla, learned counsel for the appellant-writ petitioners, that any grievance which the appellant-writ petitioners may have, regarding what transpired in court and its being recorded in the order, could only be agitated by way of a review and not in appeal, learned counsel submitted that the appellant-writ petitioners had, in fact, sought review of the order in

Review W.P.M.P.No.9665 of 2012 which was also dismissed on 04.11.2016, without dealing with the appellant-writ petitioners' contention in this regard. Learned counsel would also place before us an affidavit filed by Sri Nimmagadda Satyanarayana, learned who appeared before the Learned Single Judge on behalf of the appellant-writ petitioners, that the appellant-writ petitioners had never instructed him to submit to the Court that an opportunity be given to the purchasers to proceed against the appellant-writ petitioners; he did not make any submission to that effect; and he had made submissions before the Court only as per the pleadings.

While this Court would, ordinarily, not examine whether the observations made in the order under appeal, regarding what transpired in Court, is correct or not, we are satisfied that, even without such observations, the Learned Single Judge could have issued the directions which he passed in the order under appeal. As the Learned Single Judge could have issued such directions, even without a concession from the learned counsel, we consider it appropriate, without dwelling further on this issue, to set aside the following paragraph in the order:

“In reply, the learned counsel for the writ petitioners would submit that in case the requests of the purchases of the plots in the subject layout for regularisation cannot be considered and the layout cannot be regularised as per law and Rules governing the same, such purchasers of the plots can be given an opportunity to proceed against the writ petitioners and others concerned in a manner which the law permits and that the writ petition may be disposed of recording the submissions.

Recording the aforementioned submissions of the learned counsel for the parties.....”

We, however, see no reason to interfere with, and therefore affirm, the order of the Learned Single Judge to the extent the writ petition was disposed of leaving it open to the purchasers of the plots to apply for regularisation as per G.O.Ms.No.151 dated 02.11.2015 issued by the Government of Telangana; in case any request for regularisation was received, the same should be considered and disposed of by the respondents strictly in accordance with the procedure established by law, and in terms of the said Government order; and, in case the

regularisation that may be sought for by the purchasers of the plots was impermissible, and if regularisation could not be done, such purchasers of plots were at liberty to proceed against the appellant-writ petitioners and avail their appropriate remedies which the law permitted.

The Writ Appeal is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

23rd March, 2017
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Date: 23.03.2017

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