

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.22466 of 2017

ORDER:

Heard Mr. Nazir Ahmed Khan for petitioner and the learned Assistant Government Pleader (Revenue) for respondents.

2. The petitioner prays for the following relief:

“...writ of *mandamus* directing the 2nd respondent to forthwith issue appropriate challans to the petitioner and receive the value of the land fixed by the Government in G.O.Ms.No.166 dt.16.02.2008 by considering the petitioner's application No.7809 dated 02.04.2008 in respect of his Mulgi in H.No.17-9-144/2, admeasuring 35 sq. yards, situated at Kurmaguda, Saidabad, Hyderabad, and consequently direct the respondents to execute Conveyance Deed in favour of the petitioner in respect of the aforesaid Mulgi of the petitioner in the interest of justice by declaring their action as arbitrary, ex-facie illegal, highhanded and in violation of Article 14 of the Constitution of India.”

3. From the above, it is clear the premise on which the petitioner filed instant writ petition is that the request of the petitioner for regularisation is subsisting as on date and any step resulting in eviction of petitioner without recourse to law is illegal, arbitrary and unconstitutional. The Assistant Government Pleader relies upon the instructions of even date and submits that the petitioner since did not place before the Committee the documents prior to 31.12.2003, the case of the petitioner was not favourably considered and was rejected by the District Level Committee in the meeting held on 19.01.2009. He further submits that the State of Telangana is implementing construction of 2 BHK houses in the subject area and the petitioner is shown at Sl.No.10 in the list of beneficiaries prepared for allotment of 2 BHK

houses in this locality. The statement is placed on record and accepted by the court.

4. Having regard to inclusion of petitioner in the list of beneficiaries, what remains in the writ petition is about vacating from an extent of 35 sq. yards, I am satisfied to meet the ends of justice, the writ petition can be disposed of by this order.

(a) The statement of respondents that the petitioner is at Sl.No.10 in the list of beneficiaries for providing 2 BHK houses is placed on record and accepted;

(b) The petitioner is given liberty to represent to respondents 3 and 4 for issuing possession certificate of the house proposed to be allotted to petitioner in this locality;

(c) The petitioner in the said representation clearly states the reasonable period within which he will voluntarily vacate and undertakes that he will not induct any one in possession in the period granted by respondents for eviction.

(d) On being satisfied with the assurance, the respondents 3 and 4 can pass appropriate orders on both circumstances viz., (a) issuing possession certificate, and (b) time for vacating from the petition land.

5. The writ petition is, accordingly, disposed of. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 14.07.2017
BSS

S.V.BHATT, J

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Date: 14.07.2017

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