

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.39306 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking verbatim the following relief:

“..to issue a writ or order or direction, more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondent nos.3 and 4 in trying to demolish and evict the petitioners from their property at Sy.No.26 and 27 vide H.Nos. (1) 19-177/34 (96 sq. yds.), Assessment No.4340 (2) 19-177/18 (90 sq. yds.), Assessment No.4317 (3) 19-177/16 (96 sq. yds), Assessment No.4318 (4) 19-177/17 (96 sq. yds), Assessment No.4319 (5) 19-177/12 (96 sq. yds), Assessment No.4320 situated at Ramakrishnapuram, Chinagadili, Mudasarlova, Visakhapatnam is arbitrary, bad and illegal, irregular, unconstitutional, without jurisdiction, violation of principles of natural justice and also hit by the Article 14 of the Constitution of India. Consequently direct the respondent Nos.3 and 4 to regularize the petitioners dwelling units in terms of G.O.Ms.No.388 Revenue (Assn.I) Dept., dated 24.08.2017 issued by the 1st respondent and communicate the same to the petitioners in the interest of justice.”

2. Heard the submissions of *Sri Kuriti Bhaskara Rao*, learned counsel appearing for the petitioners; learned Government Pleader for Municipal Administration & Urban Development appearing for the 1st respondent; *Sri S.Lakshmi Narayana Reddy*, learned Standing Counsel appearing for the 3rd respondent; and of the learned Government Pleader for Revenue, appearing for the respondents 2 and 4. I have perused the material record.

3. The case of the petitioners is that their respective extents of land are less than 100 square yards in Sy.Nos.26 and 27 and that the said

lands in the said survey numbers are Government lands and they are entitled for regularization of the constructions made by them in the said properties as per the terms of G.O.Ms.No.388 Revenue (Assn.I) Department, dated 24.08.2017, and that despite applications, dated 04.10.2017, respectively submitted by them to the 2nd respondent, no orders are passed on their applications.

4. Learned Standing Counsel appearing for the 3rd respondent would submit that Survey Nos.26 and 27 are properties of Municipal Water Works Department and that they are not Government lands and that in view of clause (6) of the said GO, the petitioners are not entitled for regularization as the encroachments are objectionable encroachments and not unobjectionable encroachments.

5. In reply, learned counsel appearing for the petitioners would submit that if the applications, dated 04.10.2017, submitted by the petitioners are considered and disposed of, their grievance would be redressed.

6. Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the applications, dated 04.10.2017, of the petitioners in strict accordance with the procedure established by law, however, within four weeks from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioners within a week thereafter. Till such exercise is completed, the possession of the petitioners over their respective properties shall not be interfered with and the petitioners shall maintain absolute *status quo* over their respective properties without making any further constructions whatsoever.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

21st November, 2017

Note:- Issue CC as early as possible
(B/o)
RAR

