

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.39296 of 2013

ORDER:

The petitioners seek Writ of Mandamus declaring the action of respondents in not considering and disposing of the applications dated 21.10.2010 and 21.07.2011 submitted by the petitioners in terms of G.O.Ms.No.166 Revenue (Assn.POT) Department dated 16.02.2008 in accordance with the rules as illegal and arbitrary and consequently, direct the 2nd respondent to forthwith consider and dispose of the aforesaid applications of the petitioners in terms of said G.O.Ms.No.166.

2) Learned Assistant Government Pleader for Assignment (Andhra Pradesh) takes notice on behalf of respondents.

3) When the matter came up for hearing, learned Asst. Government Pleader by producing a copy of the order in Public Interest Litigation No.517 of 2013 dated 10.09.2015 of this Court, would submit that in the said order the Division Bench of this Court taking into consideration the submissions made by both the learned Advocate Generals of Andhra Pradesh and Telangana, passed the following order:

“The statements, made by learned Advocates General for both the States that the State Governments shall not implement or act upon G.O.Ms.No.166, dated 16.02.2008, are accepted. It is open to the petitioners to make representation for removal of encroachments that were regularised or ordered to be regularised on the basis of G.O.Ms.No.166,

dated 16.02.2008, within 8 weeks from today. If any such representation is made, we hope and trust that the concerned authority shall deal with the same in accordance with law observing the principles of natural justice.”

Learned Asst. Government Pleader would thus submit that in view of the order in PIL No.517/2013, the instant Writ Petition is not maintainable.

4) On perusal of the above order, this Writ Petition is liable to be dismissed.

5) Accordingly, this Writ Petition is dismissed giving liberty to the petitioners to pursue their legal remedy if any, if they are so advised. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

Date: 11.12.2018
scs

The seal of the High Court of Judicature at Hyderabad, State of Andhra Pradesh, is a circular emblem. It features a central green emblem with a white lotus flower. The text "HIGH COURT OF JUDICATURE AT HYDERABAD" is written in a circle around the central emblem. Below the emblem, the text "FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH" is written. At the bottom, the motto "सत्यमेव जयते" (Satyameva Jayate) is inscribed in Devanagari script.

U.DURGA PRASAD RAO, J