

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.8339 of 2006

Order:

This Writ Petition is filed to declare the inaction on the part of the respondents in regularizing the petitioner's possession over Plot No.154, D.No.8-4-371/B/112, admeasuring 576.31 sq. yards, situated at Saradhi Cooperative Housing Society Limited, Borabanda, Hyderabad, in terms of G.O.Ms.No.455, dated 29.07.2002, as illegal and discriminatory.

The brief facts of the case are that the petitioner purchased a house bearing No.8-4-371/B/112 on Plot No.154, admeasuring 576.31 sq. yards, by way of a registered sale deed dated 28.12.1998, which was executed by A.A. Ramaraju representing the original owners Smt. U. Narmada Devi and others by means of GPA dated 19.11.1984; without disclosing the fact that the said land is surplus land; the Saradhi Cooperative Housing Society Limited, being aggrieved by the rejection of exemption application, approached this Court and then the Hon'ble Supreme Court; when the matter is pending before the Hon'ble Supreme Court, the Government issued G.O.Ms.No.455, dated 29.07.2002 laying down a policy for regularization of the surplus land and hence the petition pending before the Supreme Court was withdrawn; the petitioner paid a sum of Rs.6,24,412/- and submitted an application before the 2nd respondent - Special Officer, Urban Land Ceiling, Hyderabad, on 31.03.2005 and sought to consider his case for regularization. Hence, the Writ Petition.

Learned Government Pleader submitted the written instructions, wherein it is stated that after due enquiry the Special Officer and Competent Authority, Urban Land Ceiling, has submitted rejection proposals to the Government on 31.08.2007 stating that the original land

owner U. Narmada Devi and her two sons executed a GPA in favour of A.A. Rama Raju in the year 1984; subsequently the said GPA has been revoked in the year 1998; the alleged GPA holder sold the property to the petitioner in the year 1998 after the GPA has been revoked and that the applicants are not in possession of the land; the Government vide memo dated 11.01.2008 rejected the applications of the applicants and permitted the Special Officer and Competent Authority to refund the amount paid by the applicants; the property applied by the applicants and Sabir Ahmed Khan and others is one and the same; the request of Sabir Ahmed Khan and others was also rejected by the Government on 10.04.2007 and the Government allotted the said land admeasuring Ac.1-38 gts., in Survey No.128/1 of Yousufguda village, Khairthabad Mandal, Hyderabad District in favour of the Collector, Hyderabad District for construction of weaker section housing under JNNURM vide G.O.Ms.No.449, Revenue (UC-IV) Department, dated 10.04.2007; at present the schedule land is being used as a dumping yard by the GHMC.

As seen from the material papers submitted along with the written instructions it is clear that pursuant to the application filed by the petitioner seeking regularization of the surplus land, the Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad, has issued a memo dated 05.08.2011 informing the petitioner that the Government, vide Memo dated 11.01.2008, rejected his application and requested him to submit APTC Form-62 along with advance stamped receipt for refund of amount. The said memo was also dispatched to the petitioner herein.

In view of the fact that the application of the petitioner for regularization of the surplus land was already rejected by the Government and as the said land was already allotted in favour of the Collector, the

relief as sought for by the petitioner cannot be granted and the Writ Petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However, the petitioner is at liberty to seek for refund of the amount paid by him for regularization of the plot. There shall be no order as to costs.

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

KONGARA VIJAYA LAKSHMI, J.

Date: 19.07.2018
Nsr

