

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF
ANDHRA PRADESH**

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 15137 OF 2018

DATE : 26.04.2018

Between:

Sri Ramakrishnaiah

....petitioner

A n d

State of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department,
(ASSGN.1) Department, and others

....Respondents

The Court made the following order:

HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No. 15137 OF 2018****ORDER:**

According to the petitioner, he purchased an old house along with open space in Kothapally Village, Penagaluru Mandal, YSR Kadapa District, from one Nidiganti Krishnaiah under a registered sale deed, dated 10.02.1998, for a valuable consideration. He obtained permission from the Grampanchayat and constructed a building therein. The Grampanchayat also allotted Door Number to the said premises. The petitioner is claiming that he is paying house tax to the Grampanchayat. When a notice was served on him alleging that he encroached 12 square yards of Government land in Survey No.105 of Kothapally Village, Penagaluru Mandal, YSR Kadapa District, in an extent of Ac.0.05 cents, the petitioner filed O.S.No.46 of 2013 before the Junior Civil Judge, Nandaluru, and obtained an order of ad interim injunction in I.A.No.114 of 2013 on 20.11.2013. While so, the Government issued G.O.Ms.No.388, Revenue (ASSGN.I) Department, dated 24.08.2017, for regularization of unobjectionable encroachments in Government lands upto 500 square yards. Pursuant to the said G.O., the petitioner claims to have made an application to the authorities concerned on 04.11.2017 for regularization of his building as well as 12 yards vacant site, which is in his possession. Alleging inaction in considering the said application, this writ petition is filed.

2. Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for respondents 1, 2, 4 and 5.

3. As briefly noted above, aggrieved by the notice issued by the Grampanchayat alleging encroachment into the Government land, the petitioner instituted the aforesaid suit and pending the suit, he obtained an interim injunction.

4. A bare reading of paragraph 2 of G.O.Ms.No.388, dated 24.08.2017, would show that unobjectionable encroachments in Government lands by way of dwelling units in rural areas upto 100 syards can be regularised. Pursuant to the said G.O., the petitioner made an application for regularisation, but the fifth respondent-Tahsildar, Penagaluru, kept quiet and has not taken any action so far.

5. The writ petition is disposed of directing the Tahsildar, Penagaluru, to examine the claim of the petitioner duly taking into note the pendency of said suit and paragraph 2 of the said G.O. and take appropriate decision as warranted by law and communicate the decision taken thereon to the petitioner within eight weeks.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed in the light of this final order. There shall be no order as to costs.

P. NAVEEN RAO, J

Date: 26.04.2018

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