

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.25626 OF 2017

ORDER:

The grievance of the petitioner in the present writ petition is with respect to the proceedings vide No.E2/16/2016, dated 17.06.2017, issued by the District Collector, Sanga Reddy District – 3rd respondent herein, after taking into consideration the orders of this Court in W.P.No.1818 of 2017, dated 19.01.2017, whereunder a direction was issued to the Joint Collector, Sangareddy District - 4th respondent therein, to dispose of the application of the petitioner dated 11.07.2016 in accordance with law. The relief sought by the petitioner in the said application is in relation to refund of Rs.4,35,000/-, paid by him as first instalment towards process of the application under G.O.Ms.No.59, seeking regularization of the unauthorized construction.

2. There is no dispute about the application of the petitioner dated 11.07.2016 filed under G.O.Ms.No.59 for regularization of the unauthorized construction and its rejection by the respondents on the ground that the parameters prescribed therein are not satisfied. In terms of the above said G.O., the petitioner is entitled to refund of the amount paid. Seeking refund of the said amount, the petitioner made an application on 11.07.2016, which was

directed to be disposed of by this Court in W.P.No.1818 of 2017, dated 19.01.2017. The 3rd respondent, under the impugned proceedings, informed that though the Government vide G.O.Ms.No.10655/Assn.I(3)/2015-1, dated 18.01.2016 issued instructions for refund of the amount in case of rejection of applications received under G.O.No.59, no specific guidelines were issued till date as to how the amounts are to be returned. In other words, the 3rd respondent had expressed his inability/helplessness and he further stated in the said proceedings that as and when the instructions/guidelines are received from the Government, necessary action would be taken for refund of the amount.

3. In the facts and circumstances of the present case, since there is no dispute about the claim of the petitioner, he is entitled to receive the amount paid once the claim under G.O.No.59 is accepted. The rights of the citizens cannot be trampled and keeping the money by the respondent Government would, undoubtedly, deprive the legitimate right of the petitioner and it is in clear violation of the Articles 14 and 300A of the Constitution of India.

4. In those circumstances, respondents 1 to 3 shall ensure that the amount claimed by the petitioner of Rs.4,35,000/-, to which he is entitled to is refunded within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above observations, this writ petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed as a consequence. There shall be no order as to costs.

CHALLA KODANDA RAM, J

05.01.2018

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