

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.1589 OF 2016

ORDER:

This writ petition is filed by 96 petitioners under Article 226 of the Constitution of India, against respondents 1 to 4, declaring the action of the respondents in threatening to hand over the possession of the houses of the petitioners situated in Sy.No.195, Yenumamula Shivar, Ramasamudram, S.R.Nagar, Warangal for construction of G + 2 building instead of regularising their houses in terms of G.O.Ms.No.58 Revenue (Assign.) Department dated 30.12.2014 as illegal, arbitrary and unconstitutional.

It is the case of the petitioners being poor and belonging to socially and economically backward class, migrated from surrounding areas of Warangal and neighbour districts to purpose of eking out their livelihood, they have settled themselves at Desaipet near Kakatiya Canal Filter Bed and erected small huts and resided with their families. While so, on instructions from the respondents/authorities, the petitioners vacated the said land and settled in Sy.No.195, Yenumamula Shivar, Ramasamudram, S.R.Nagar, Warangal and occupied small extents of house sites ranging from 60 to 100 sq.yds. The petitioners are residing in the said land for the past 20 years and they were issued with ration cards, obtained electricity and water connections, Aadhar cards and got enrolled their names in the Electoral Rolls. Later, the petitioners have represented before the revenue officials for issuance of house site pattas for the extent occupied by them. Further, the Yenumamula Gram Panchayat passed a resolution, recommending to the District Collector for issuance of house sites

in respect of Sy.No.195, as the said land is Shikam Land and suitable for cultivation.

Be that as it may, the Government of Telangana took decision to construct G+2 floors building in the said land to provide housing accommodation in pucca houses to the inhabitants of the said area, and insisted the petitioners to vacate the houses and handover the possession. The 4th respondent/Tahsildar issued notice dated 11.09.2016 to remove the houses within 7 days from the date of receipt of notice and handover the possession.

The main contention of the learned counsel for the petitioners is that, G.O.Ms.No.58 Revenue (Assign.) Department dated 30.12.2014 was passed by the Government to regularize unauthorized occupantions of Below Poverty Line families for their residence, subject to complying certain conditions prescribed in G.O.Ms.No.58. It is submitted that the petitioners submitted their applications in terms of G.O.Ms.No.58 and the same are pending for consideration and requested this Court to direct the respondents not to dispossess these petitioners from the said land.

Learned Government Pleader for Revenue (Telangana) fairly contended that, some of the petitioners made applications for regularization of their occupation of less than 100 sq.yds in terms of G.O.Ms.No.58 dated 31.01.2015 and the applications are under consideration by the concerned authorities.

It is an undisputed fact that these petitioners are in unauthorized occupation of government land in Sy.No.195, Yenumamula Shivar, Ramasamudram, S.R.Nagar, Warangal and the 4th respondent/Tahsildar issued notice dated 11.09.2016

calling upon then petitioners to remove the houses within 7 days from the date of receipt of notice, to enable the respondents to raise G + 2 bed room house therein to provide housing accommodation to the eligible B.P.L Families.

Undisputedly, these petitioners made applications for regularization in terms of G.O.Ms.No.58 dated 31.01.2015 and their applications are pending for consideration before the competent authority.

In view of the pendency of the applications for regularization of their occupation of less than 100 sq.yds, dispossession of these petitioners by issuing notice dated 11.09.2016 is illegal and they are liable to be set-aside. Hence, the notice dated 11.09.2016 is hereby set-aside and the respondents are directed not to dispossess the petitioners till finalization of their applications for regularization of unauthorized occupation in terms of G.O.Ms.No.58 dated 31.01.2015. If, for any reason, any of these petitioners are found ineligible in terms of G.O.Ms.No.58 dated 31.01.2015, the respondents are at liberty to take appropriate action, after following due process of law.

With the above direction, writ petition is disposed of.

Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:16.04.2018

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