

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No.4360 of 2016

ORDER:

This Writ Petition, under Article 226 of Constitution of India, is filed to declare the action of the respondent in disturbing the possession of the petitioner and demolishing his house property bearing No.1-20/3 in Sy.No.135 at Kothapet Village, Uppal Mandal, Ranga Reddy District violation of the orders passed in W.P. No.10800 of 2002 dated 03.08.2006 as illegal, unlawful and contrary to law and consequently direct the respondents not to disturb the possession and enjoyment of the petitioner over the said property during pendency of his request for assignment or regularization of unauthorized occupation.

It is the contention of the petitioner that the petitioner is in possession and enjoyment of the property in dispute and constructed a house bearing No.1-20/3 in Sy.No.135 at Kothapet Village, Uppal Mandal, Ranga Reddy District and that he applied for regularization of unauthorized occupation in terms of G.O. Ms. No.1409 dated 19.08.1978 and filed W.P. No.3131 of 1999 seeking a direction to Government to consider his application for regularization of his unauthorized occupation. Despite orders passed by this Court in various writ petitions being W.P. Nos. 3131 of 1999, 10800 of 2002, 18065 of 2002, 33646 of 2013 and 33602 of 2015, the respondents are contemplated to dispossess him from the subject property by demolishing the house, without following due process of law.

Sri M.Damodar Reddy, learned counsel for the petitioner, contended that an interim order was passed on 11.02.2016 by this Court not to dispossess the petitioner without following due process of law and requested to dispose of the writ petition with the same direction.

It is an admitted fact that the petitioner is in possession and enjoyment of the subject property, but, however, he is in unauthorized occupation in terms of G.O Ms.No.1409 dated 19.08.1978. The petitioner is entitled to claim regularization of his unauthorized occupation. The District Committee also recommended and forwarded the application of the petitioner to the concerned on 27.10.2010 and the same is pending for consideration. It is further contended that though interim orders granted by this Court not to dispossess the petitioner from the subject property without following due process of law and since the application for regularization is pending for consideration, the respondents are trying to dispossess the petitioner and trying to demolish the subject property. The respondents are not entitled to demolish the house of the petitioner and dispossess the petitioner without following due process of law when the respondents admitted that the petitioner is in unauthorized occupation and he would not be dispossessed without following due process of law.

Hence, the respondents are directed not to dispossess the petitioner without following the due process of law from the subject house during pendency of his representation for regularization of his unauthorized occupation.

With the above direction, the writ petition is disposed of.

Consequently, miscellaneous petitions, pending if any, in this writ petition shall stand dismissed.

M.SATYANARAYANA MURTHY, J.

Date: 18.04.2018

knl



THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY



Dt.18.04.2018

kn1

