

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.10681 OF 2006

ORDER:

1. This writ petition is filed seeking to issue a Writ of Mandamus declaring the proceedings dated 27.4.2006 of the 1st respondent as illegal, arbitrary and violative of principles of natural justice, and consequently, to issue a direction to the respondents to regularize the possession of the petitioners over 110 sq. yards of land with a house bearing assessment No.8-2-293/82/B/108B situated at Gayatri Hills, Yousufguda in Sy.No.403/4 part of Shaikpeta village and Mandal, Hyderabad District.

2. Heard Sri M. Rajamalla Reddy, learned Counsel for the petitioners and the learned Government Pleader for Revenue.

3. It has been submitted by the learned Counsel for the petitioners that the petitioners are in possession of the house in an extent of 110 sq. yards situated at Gayatri Hills, Yousufguda in S.No.403/4 part of Shaikpeta village and Mandal, Hyderabad District, and that the 1st petitioner submitted an application for regularization of the above said property on 31.3.2004 to the District Collector, Hyderabad, on payment of market value and that the respondents rejected the said application vide proceedings dated 27.4.2006 holding that the constructions made in the land in question are only in the year 2001 and that the petitioners did not fulfill the conditions for regularization, and aggrieved by the same, the petitioners filed this writ petition.

4. Learned Government Pleader for the respondents submits that the application of the petitioners was rejected as they constructed the house

only in the year 2001 and they are not staying in the said house since a very long time and that regularization can be granted only in respect of the house in which any person is residing for a long time and that the case of the petitioners did not fall within the zone of consideration for regularization.

5. It has been contended by the learned Counsel for the petitioners that the petitioners are poor persons and as on today they are residing in the said house and therefore, the case of the petitioners can be considered in terms of the latest policy for regularizing the unauthorized layouts/constructions.

6. Having considered the rival submissions made by the parties, this Court is of the view that if the petitioners are really poor persons and they are eligible for regularization of their holding of the subject land, wherein a small house was constructed, their case can be considered by the respondents. Therefore, the respondents are directed to consider the case of the petitioners, if they are really poor persons, in accordance with latest policy tune and as per the eligibility and terms and conditions as fixed by the respondents.

7. Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 9th February, 2018.
Nn.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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9/02/2018

Nn.