

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.31235 OF 2018

ORDER:

It is the case of the petitioners that the father of the 1st petitioner G.J.Bhaskar Rao worked as Sipoy in the Ex-Hyderabad State Force. Subsequently, he was promoted as Subedar Clerk and released from service on 25.10.1951 after serving 15 years, on account of de-mobilization vide Hyderabad Special State Force Order No.14, dated 16.03.1951. During the service of the father of the 1st petitioner, he was allotted accommodation in Quarter No.1184, through Accommodation Certificate and that the petitioners are in occupation of 400 sq.yds with H.No.10-1-1184, A.C. Guards, Asifnagar Mandal, Hyderabad since 1951. The 4th respondent also issued letter No.A/3726/2013, dated 13.12.2013, which shows that the father of the 1st petitioner was allotted quarter in premises No.10-1-1184, A.C Guards, Asifnagar Mandal, but the total extent of quarter is not mentioned in the Accommodation Certificate. The father of the 1st petitioner made representation dated 27.11.1980 requesting for regularization of land in his possession in response. In response to the same, the Deputy Secretary to Government issued a letter No.747/Accom.B./80-1, dated 16.02.1981 directing him to approach the Transport (Roads & Buildings) Department. The Government of Andhra Pradesh issued G.O.Ms.No.264 Revenue (Assignment.III) Department, dated 24.02.2009 for rehabilitation of Ex-Servicemen residing in the Nizam Soldiers Quarters and to

regulate the occupations of the quarters along with the site to the original soldiers or their kith and kin as per the rate fixed under G.O.Ms.No.166, Revenue (Assn.POT) Department, 16.02.2008. It is stated that the name of the 1st petitioner and the name of his brother i.e., G.Nageshwar Rao are at serial Nos.8 & 9 attached to G.O.Ms.No.264. The brother of the 1st petitioner had submitted application on 15.04.2010 to the 2nd respondent in format given under G.O.Ms.No.166, dated 16.02.2008 to regularize the land to the extent of 160 sq.yds out of 400 sq.yds, which is in his possession for dwelling purpose as the 1st petitioner and his brother are residing separately in the same premises. It is stated that the 5th respondent issued endorsement in Lr. BPL HYD 150201049079, dated 26.05.2016 to the brother of the 1st petitioner and directed him to make payment of Rs.7,15,000/- to an extent of 143 sq.yds under his possession in H.No.10-1-1184 within four days i.e., on 31.05.2016, but he could not pay the same due to financial difficulties and later he was not allowed to make payment. Aggrieved by the action of the 5th respondent, he also filed writ petition before this Court. It is stated that the 2nd petitioner also submitted representation to the 2nd respondent on 21.10.2013 together with additional link documents as per the letter of the Secretary General, JAC, dated 03.08.2013 & 05.08.2013 to show that the petitioners are in possession of the subject property. Though the petitioners submitted individual applications on 21.08.2017, no action is being taken by the respondents. Aggrieved by the same, present Writ Petition is filed.

2. Learned Assistant Government Pleader for Revenue appearing for respondents produced written instructions stating that the application of G.Nageshwar Rao is rejected, but none of the proceedings are referred to in the writ petition are referred to in written instructions. As far as the application of the petitioners is concerned, nothing is stated except stating that the petitioners approached this Court with a malafide intention in order to protect his illegal possession in premises No.10-1-1184.

3. Learned counsel for the petitioners brought to my notice about G.O.Ms.No.264, Revenue (Asst.III) Department, dated 24.02.2009, wherein the name of the 1st petitioner is found at Sl.No.9 and the name of his brother i.e., G.Nageshwar Rao is found at Sl.No.8.

In view of the same, this Writ Petition is disposed of directing the competent authority to issue notice to the petitioners and it is open for them to place all the necessary material before the competent authority and after considering the same, the competent authority is directed to pass appropriate orders on the representation of the petitioners dated 21.09.2013 and take action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, shall stand closed.

A.RAJASHEKER REDDY, J

22-10-2018.
kvs

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.31235 of 2018

Date: 22.10.2018

kvs

