

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 34660 of 2018

ORDER:

The present writ petition came to be filed seeking the following relief:

“To declare common Memos issued by the 1st respondent i.e., the Tahsildar, Serlingampally Mandal, Rangareddy District in Memo.No. B/ 1606/ 2017, dated 09.08.2018 rejecting the regularization of the petitioners' sites in possession – admeasuring an extent of 485 sq.yards of the 1st petitioner, an extent of 485 sq.yards of the 2nd petitioner, an extent of 485 sq.yards of the 3rd petitioner, an extent of 485 sq.yards of the 4th petitioner, an extent of 1300 sq.yards of the 5th petitioner, an extent of 485 sq.yards of the 6th petitioner, an extent of 485 sq.yards of the 7th petitioner, an extent of 480 sq.yards of the 8th petitioner, an extent of 495 sq.yards of the 9th petitioner, an extent of 475 sq.yards of the 10th petitioner, an extent of 475 sq.yards of the 11th petitioner and an extent of 475 sq.yards of the 12th petitioner situated in Survey No.174 of Jawaharnagar Colony, Chandanagar Village, Serlingampally Mandal, Rangareddy District, as bad, illegal, arbitrary, opposed to law.”

2. At the time when the matter is taken up for hearing, learned Government Pleader for Revenue would submit that Clause (iv) of G.O.Ms.No. 59, dated 30.12.2014 provides for filing

of an appeal before the Joint Collector, who is the grievance redressing authority, and he may give directions to the Committee, as he deems fit. Hence, the Government Pleader would submit that the proper remedy for the petitioners would be to approach the Joint Collector.

3. The learned counsel for the petitioners, on the other hand, would submit that the remedy of filing an appeal before the Joint Collector is not available under the rules and G.O.Ms.No. 59 is not clear on the said aspect.

4. In view of clause (iv) of the G.O., the petitioners shall make an application before the Joint Collector questioning the order impugned herein, and if the Joint Collector has been conferred with the authority, as stated by the Government Pleader, he shall deal with the said application in accordance with law, and pass orders thereon.

5. At this stage, the learned counsel for the petitioners would submit that the petitioners are in possession of the subject property, which is opposed by the learned Government Pleader, stating that the request of the petitioners for regularisation of their occupation came to be rejected twice and that they are not in possession of the subject property.

6. Having regard to the above circumstances, *status quo* as on today to be maintained for a period of three weeks from today. In the meanwhile, the petitioners shall approach the authorities, as directed above, along with the stay application, in which event,

the authorities shall pass orders in the stay application, in accordance with law, within the time stipulated above.

7. With the above direction, the writ petition is disposed of at the admission stage. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

03.10.2018

Note: Issue cc today

(B.O)

DMG

