

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5244 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:-

"For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the official respondents in not demarcating the property of the petitioner in Conveyance Deed dt 05.7.2017 vide Doc No.1175/2017 of S.R.O, Secunderabad as arbitrary, illegal, unconstitutional and in violation of Articles 14 and 300A of the Constitution of India and pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case."

The conveyance deed dated 05.7.2017 under which the petitioner now claims title was one executed by the Tahsildar, Secunderabad Mandal, under the provisions of G.O.Ms.No.59, Revenue (Assn.I) Department, dated 30.12.2014, whereby the illegal possession of the petitioner over the subject Government land was regularised.

Learned Assistant Government Pleader for Revenue, State of Telangana, would point out that it is not the responsibility of the authorities to not only regularise the possession of an encroacher upon Government land but thereafter protect his possession. He would further point out that the petitioner earlier filed Writ Petition No.14410 of 2018 for the same relief and got the said Writ Petition dismissed, without seeking liberty to file a fresh case.

Perusal of the order dated 24.4.2018 passed in Writ Petition No.14410 of 2018 filed by the petitioner reflects that the petitioner

sought dismissal of the Writ Petition simplicitor without reserving any liberty to file a fresh case.

The present Writ Petition, being the second attempt on the same grounds, would therefore not lie when no liberty was sought while getting the earlier case dismissed.

That apart, Sri A.Harsha Kumar, learned counsel representing Sri Sd. Abdul Khader, learned counsel for the petitioner, is unable to demonstrate as to which law would require the revenue authorities to not only regularise the illegal possession of the petitioner over the subject land under the extant Government policy but also take steps thereafter to perpetuate and protect his possession after such regularisation. It is for the petitioner to work out his remedies before the competent forum after the Government deemed it fit to regularise his illegal possession over the subject land in terms of the relevant Government policy.

The Writ Petition is accordingly dismissed.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

14th March, 2019
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JUSTICE SANJAY KUMAR