

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5766 of 2019

ORDER:

The prayer of the petitioners 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 respondents in illegally retaining Rs.13,41,945/- collected by them towards regularization fee *vide* application No.APLHYD150131000107 dated 16.1.2015 under G.O.Ms.No. 59, Revenue (Assn-I) Department, dated 30.12.2014 in respect of property in premises No.16-2-742/C/9/1, Asmangadh, Gaddiannaram, Hyderabad, even after rejecting the application *vide* letter dated 19.5.2017 as illegal, arbitrary and violative of the principals of natural justice and consequently direct the respondents to refund Rs.13,41,945/- collected by them towards regularization fee *vide* application No.APLHYD150131000107 dated 16.1.2015 along with interest and pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case."

Perusal of the record reflects that under the Memo dated 19.5.2017, the Tahsildar, Saidabad Mandal, Hyderabad District, rejected the application made by the petitioners for regularisation of their occupation over the land situated in the premises bearing No.16-2-742/C/9/1 at Asmangadh, Gaddiannaram, Hyderabad, in terms of the provisions of G.O.Ms.No.59, Revenue (Assn.I) Department, dated 30.12.2014.

The grievance of the petitioners presently is that despite rejection of their application for regularisation, the authorities are still retaining the amount paid by them towards such regularisation, being a sum of Rs.13,41,945/-.

It appears that the Tahsildar, Saidabad Mandal, Hyderabad District, already addressed letter dated 19.6.2017 to the District

Collector, Hyderabad District, informing him of the rejection of the petitioners' application and requesting the District Collector to refund the amount paid by them. Despite the same, no action seems to have been taken thereon.

The Writ Petition is accordingly disposed of directing the District Collector, Hyderabad District, to forthwith refund the sum of Rs.13,41,945/- paid by the petitioners towards regularisation, which now has to be refunded in the light of rejection of their regularisation application. In the event the amount is not refunded to the petitioners within two weeks from the date of receipt of a copy of this order, be it from whatever source, the amount shall carry interest @ 12% per annum and the said interest amount shall be borne by the District Collector, Hyderabad District, personally.

Pending Miscellaneous Petitions, if any, shall stand disposed of in the light of this final order. No order as to costs.

20th March, 2019
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JUSTICE SANJAY KUMAR