

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.25907 of 2016

ORDER: (Per the Hon'ble Sri Justice A.Rajasheker Reddy)

The case of the petitioners in this Writ Petition is that they purchased different extents of land under various registered sale deeds from Sri Syed Himayet Saiffuddin, Sri Syed Khaja Mohiuddin and M/s. Suddhodhana Constructions Pvt. Ltd. The said M/s. Suddhodhana Constructions Pvt. Ltd., had in turn purchased an extent of Ac.2.08 guntas from one Sri S.Gopal Rao, S/o.Sri Ramachandraiah. The said Ramachandraiah was gifted the said land by his mother by a gift deed dated 15.12.1968. Hence, the property has been in possession of the petitioners' predecessors in title for more than 40 years. The petitioners further state that a house admeasuring 1500 square feet also exists in the said land for the last 40 years, which was given Door No.7-2 earlier. Subsequently, after mutation, the said house was given Door No.8-199/A, which the respondents are seeking to demolish. After purchasing the said properties, some of the petitioners put up two small rooms and also obtained electricity connections, and taxes are also being paid as assessed by the municipal authorities. To put the land to some use, some of the petitioners started a nursery on the vacant land and the same is operational. The petitioners came to know that G.O.Ms.No.166, dated 16.02.2008, was issued by the Government stating that the persons who have encroached

on Government lands could get their lands regularized by paying regularization fee. Thereafter, the petitioners submitted applications for regularization under the said Government Order in the year 2008. When the same are pending, the respondent authorities are trying to demolish the property of the petitioners. Aggrieved by the same, the present Writ Petition is filed.

2. This Court granted interim order on 02.08.2016 staying the demolition.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

4. Learned counsel appearing for the respondents submits that G.O.Ms.No.166, dated 16.02.2008, is not in force, as the Government gave an undertaking before this Court that they are not going to implement G.O.Ms.No.166, dated 16.02.2008. However, the Government issued G.O.Ms.No.179, Revenue (Assn.I), dated 01.09.2018, in respect of regularization.

5. Learned counsel for the petitioners states that applications were made under the said G.O.Ms.No.179 and the Writ Petition can be disposed of with a direction to dispose of the said applications in terms of G.O.Ms.No.179, dated 01.09.2018.

6. In view of the above, the Writ Petition is disposed of directing the competent authority to consider the applications of

the petitioners in terms of G.O.Ms.No.179, dated 01.09.2018.
Pending consideration of the same, no coercive steps shall be
taken against the subject property.

The miscellaneous petitions pending in this Writ Petition,
if any, shall stand closed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

A.RAJASHEKER REDDY, J

06.03.2019
vs

