

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.13909 of 2018

ORDER:

The grievance of Dr. Martin Luther Church Ministries, a society registered under the Andhra Pradesh Societies Registration Act, 2001, the petitioner herein, is that the revenue authorities are not passing orders on its application dated 19.01.2015, whereby it sought regularization of its possession over the land admeasuring 500 square yards situated in House No.29-1442/1, East Kakatiya Nagar, Neredmet, Ranga Reddy District, under the provisions of G.O.Ms.No.59, Revenue (Assignment-I) Department, dated 30.12.2014, on the ground of pendency of cases against its members.

G.O.Ms.No.59 dated 30.12.2014 issued by the Government of Telangana provides for alienation and regularization of possession of unobjectionable Government and ceiling surplus lands upon payment basis by constituting a Committee of Regularization.

Perusal of the communication dated 11.08.2016 addressed by the Tahsildar, Malkajgiri Mandal, Ranga Reddy District, to the District Collector, Ranga Reddy District, demonstrates that the Tahsildar cited the pendency of a human rights commission case against some of the members of the petitioner society and the registration of two criminal cases against some others in the context of the application made by the petitioner society under G.O.Ms.No.59 dated 30.12.2014. Similar is the import of the letter dated 18.05.2017 addressed by the Tahsildar, Malkajgiri Mandal, Medchal-Malkajgiri District, to the Collector & District Magistrate, Medchal-Malkajgiri District.

Though notice was issued as long back as on 20.04.2018, no counter-affidavit has been filed till date.

Learned Assistant Government Pleader for Revenue, State of Telangana, states that he has no instructions in the matter.

Perusal of the G.O. reflects that the Committee of Regularization was required to dispose of applications received for regularization within 90 days from their receipt. The Chief Commissioner of Land Administration, Telangana State, was to issue suitable operational guidelines and instructions to all District Collectors in the State for smooth implementation of the orders passed by the Committee of Regularization. It may also be noted that the Government reserved the right to reject any application received under the said G.O. without assigning reasons and that apart, the regularization was to be undertaken only in relation to possession of unobjectionable Government and surplus lands.

That being so, it was for the Committee constituted under G.O.Ms.No.59 dated 30.12.2014 to consider the application made by the petitioner society. There is no indication of the said application having been placed before the Committee for consideration at all. It was not for the District Collector concerned to take a decision on the strength of the communication received from the Tahsildar and preempt consideration of the application by the competent authority at the threshold.

The writ petition is accordingly disposed of directing the respondents to take necessary steps to place the application made by the petitioner society on 19.01.2015 before the Committee of Regularization constituted as per G.O.Ms.No.59 dated 30.12.2014. The Committee shall consider the said application on its own merits and in terms of the aforestated G.O. This exercise shall be completed expeditiously and in any event, within ninety days from the date the application is placed before the said Committee.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:31.01.2019

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