

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.22115 of 2019

ORDER:

1. Heard learned counsel for petitioner Sri Mohd. Asifuddin and learned Assistant Government Pleader for Revenue for respondent Nos.1 to 6 and also learned Assistant Government Pleader for Revenue for respondent No.7.

2. According to the petitioner, his late father A. Vittal Rao was the allottee of quarter TRT No.216 bearing municipal No.22-3-225, ground floor, Vidyanagar, Hyderabad, in the year 1974. His father was working as workman in DBR Mills and said quarter was allotted under Rehabilitation Scheme for the employees of DBR Mills. After the death of his father, his mother's name was recorded in the municipal records. In addition to the allotted plots, the persons were also in occupation of the excess land adjacent to it and all of them made a representation to consider the allotment of excess land to them. As the Government was not acting favourably, they filed writ petition before this Court and pursuant to the interim directions of this Court in WPMP.No.8500 of 2001 dated 24.04.2001, the Government issued orders in G.O.Ms.No.2 dated 31.01.2002 appointing the Committee for the purpose of conducting survey, verification of the existing land occupied by the allottees of registered quarters and where such applications were received by the Commissioner of Labour requesting for regularization of excess areas and the Commissioner was directed to complete the above exercise within six months. It is clear from the reading of said GO that the Committee has to consider the applications which were already made for allotment of the excess land in their possession. Apparently the petitioner did not make

the application before the issuance of GO or at least soon thereafter. In the year 2015, the petitioner made application stating that he is in possession of the land adjacent to the allotted plot from the time immemorial and to regularize the same. Initially the application was made to the Labour Department, but as the Labour Department was not inclined to consider the application, he made application to the District Collector, Revenue Divisional Officer and the Tahsildar on 03.06.2019. Challenging the alleged inaction of not considering his application in pursuant to policy notified vide G.O.Ms.No.59 dated 30.12.2014, this writ petition is filed.

3. According to the learned Assistant Government Pleader the Government issued further orders in G.O.Ms.No.6 dated 19.01.2015 fixing the time for submission of the applications for regularization of excess land in their occupation till 28.02.2015 and this time limit is not further extended and the petitioner has not made the application within the time stipulated and the question of consideration of the application for the alleged excess land does not arise.

4. Apparently, the petitioner did not avail the opportunity provided in the year 2002 with the claim that he is in possession of the excess land and lost said opportunity. The benefit accorded to the persons similarly situated to the petitioner, was not extended to petitioner as he did not apply. Similarly when further opportunity was provided by the Revenue Department in the year 2014, then also he has not availed by submitting the application within the time.

5. It is further seen that no right is vested with the petitioner to claim regularization of illegally occupied Government land. Opportunity was provided by virtue of the scheme formed in the year 2014. However, to avail this opportunity also person must make application within the time stipulated but not otherwise. Since the limitation is prescribed to make the applications and within the time no such application was made, there is no illegality in the endorsement dated 25.06.2019 informing the petitioner that his application was not filed within the time and his request cannot be considered.

6. Accordingly and in the result, the Writ Petition is dismissed. No costs. Miscellaneous petitions, if any, shall stand closed.

Date: 15.10.2019
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P. NAVEEN RAO, J