

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.24202 of 2019

ORDER:

The petitioner is aggrieved with the Intimation Notice dated 13.07.2018 issued by the 2nd respondent-Commissioner rejecting his Layout Regularisation Scheme (LRS) application. The reasons stated in the Intimation Notice dated 13.07.2018 are as under:

“... the proposed site falling in Sites under litigation / disputes regarding ownership of the site, shall not consider for regularization under the rule 2 (c) of G.O.Ms.No.151 MA & UD, Dt: 02.11.2015 under the above side G.O. your application is rejected and the same may be intimated to the applicant.”

Learned counsel for the petitioner, by referring to Rules 5 to 8 of the G.O.Ms.No.151 dated 02.11.2015 asserts that what all is required to be considered in terms of the said G.O. is that whether the site sought to be regularized attracts any of the restrictions given under Rules 5 to 8 of the G.O.Ms.No.151, dated 02.11.2015.

Learned counsel further asserts that as there is no shortfall in complying with the Rules 5 to 8 of the G.O.Ms.No.151 dated 02.11.2015, the 2nd respondent ought not to have rejected the petitioner's application for LRS.

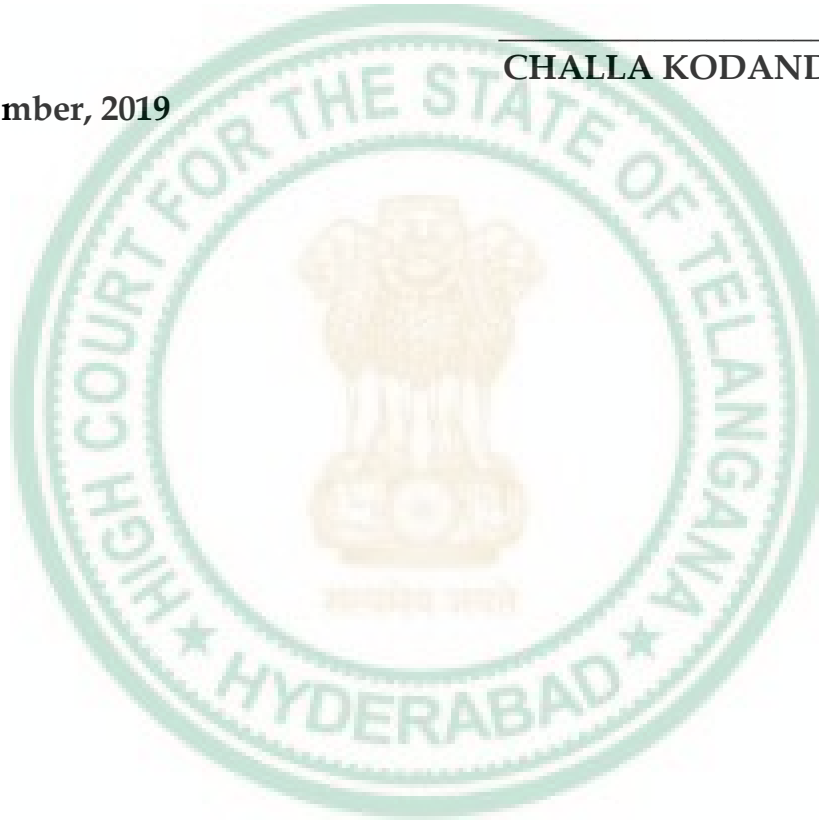
Learned Standing Counsel points out that Rule 15 of the G.O.Ms.No.151 dated 02.11.2015 provides for appeal against rejection of LRS application.

Having regard to the respective submissions, as any observation with respect to the merits of the matter may prejudice the rights of the parties, and considering that there is an efficacious alternative remedy available in terms of Rule 15 of Telangana Regularisation of Unapproved and Illegal Layout Rules, 2015, the writ petition is disposed of giving liberty to the petitioner to avail the appeal remedy. No costs. Miscellaneous petitions, if any pending, shall stand closed.

05th November, 2019

KSM

CHALLA KODANDA RAM, J



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