

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

**MONDAY, THE SIXTEENTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY THREE**

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR**

**WRIT APPEAL NO: 1001 OF 2023**

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 12/09/2023 passed in W.P.No.114 of 2023 on the file of the High Court.

**Between:**

Kallem Madhavi, W/o. Kallem Krishna, Aged about 31 years, Occ. Housewife,  
R/o. H. No. 9-74, Mamidipally Village, Balapur Mandal, Ranga Reddy District.

**...APPELLANT/WRIT PETITIONER**

**AND**

1. The State of Telangana, Rep. by its Principal Secretary Revenue (Assignment) Department, Secretariat, Hyderabad
2. The District Collector, Ranga Reddy District, Kongarakalan.
3. The Revenue Divisional Officer, Kandukuru Revenue Division, Kandukuru, Ranga Reddy District.
4. The Thasildar, Balapur Mandal, Balapur, Ranga Reddy District

**...RESPONDENTS/RESPONDENTS**

**IA NO: 1 OF 2023**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant interim stay of demand notice No. AOGO22200174970, dated 05.12.2022 issued by Respondent No.2, pending disposal of Writ Appeal.

**Counsel for the Appellant: SRI L.HARISH**

**Counsel for the Respondents: SRI HARENDER PERSHAD, SPL. GP**

**The Court delivered the following: JUDGMENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HON'BLE SRI JUSTICE N.V.SHRAVAN KUMAR**

**WRIT APPEAL No.1001 of 2023**

**JUDGMENT:** (per the Hon'ble the Chief Justice Alok Aradhe)

Mr. L. Harish, learned counsel appears for the appellant.

Mr. Harender Pershad, learned Special Government Pleader appears for the respondents.

2. This intra court appeal is filed against an order dated 12.09.2023 passed by the learned Single Judge by which Writ Petition No.114 of 2023 preferred by the appellant in which challenge was made to demand notice dated 05.12.2022 issued by the District Collector, Ranga Reddy, towards regularization charges, has been dismissed.

3. Facts giving rise for filing of this appeal briefly stated are that the appellant is an encroacher in respect of Government's property measuring 217 sq.yards in Survey No.141 of Mamidipally Village, Balapur Mandal, Ranga Reddy District. The State Government has framed a policy for

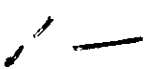
regularization of unauthorized occupation vide G.O.Ms.No.59 dated 30.12.2014. Under the aforesaid policy, subject to payment of the amount at the rate prescribed therein, the possession of an encroacher in respect of Government land can be regularized. The rates fixed for respective extents of residential land are quoted below:

1. Possession up to 250 sq.yards, 50% of the basic value as on 02.06.2014.
2. Possession up to 500 sq.yards, 75% of the basic value as on 02.06.2014.
3. Possession above 500 sq.yards, basic value as on 02.06.2014.
4. Thereafter, G.O.Ms.No.59 dated 30.12.2014 was amended by G.O.Ms.No.22 dated 01.03.2023 and instead of the words 'as on 02.06.2014', the words 'as on the date of application' were substituted.
5. By aforesaid demand notice, a sum of Rs.10,00,850/- was demanded from the appellant. Thereupon, the appellant filed Writ Petition No.114 of 2023 before the learned Single Judge assailing the aforesaid demand notice. The learned

Single Judge however by an order dated 12.09.2023 has dismissed the aforesaid writ petition *inter alia* on the ground that the scheme of regularization is the policy decision of the State and the State has absolute power to alter or amend the scheme. It was further held that in exercise of powers under Article 226 of the Constitution of India, the Court would enforce fundamental or legal rights of a person. The learned Single Judge upheld the validity of the aforesaid demand notice. However, remaining 75% of the amount was directed to be deposited by the appellant within a period of six (6) weeks. Accordingly, the aforesaid writ petition was dismissed.

6. Learned counsel for the appellant states that the aforesaid demand notice is not in consonance with G.O.Ms.No.59 dated 30.12.2014.

7. On the other hand, learned Special Government Pleader has pointed out Clause 2(vi) of G.O.Ms.No.59 dated 30.12.2014 and has submitted that the demand notice has been issued in accordance with the aforesaid policy decision.



8. We have considered the submissions made by the learned counsel for the parties and have perused the record.

9. Admittedly, the appellant is an encroacher of the Government land. The appellant neither has any fundamental right nor any statutory right to continue on the land in occupation. A right has been created in favour of the appellant under the policy of regularization framed by the State Government. Therefore, the appellant is bound by the policy decision taken by the State Government. Clause 2(vi) of G.O.Ms.No.59 dated 30.12.2014 provides for that possession of Government land as extension or appurtenant to a dwelling unit on land already owned or assigned may be considered for regularization on payment of full basic value. The demand notice issued is in consonance with Clause 2(vi) of G.O.Ms.No.59 dated 30.12.2014.

10. For the aforementioned reasons, we do not find any ground to differ with the view taken by the learned Single Judge. In any case, extraordinary discretionary jurisdiction of

this Court under Article 226 of the Constitution of India cannot be exercised in favour of an encroacher.

11. Accordingly, the appeal fails and is hereby dismissed.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/-I. NAGALAKSHMI  
DEPUTY REGISTRAR  
SECTION OFFICER

To,

1. One CC to SRI L.HARISH, Advocate [OPUC]
2. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
3. Two CCs to SRI HARENDER PERSHAD, SPL. GP, High Court for the State of Telangana at Hyderabad [OUT]
4. Two CD Copies

BSR  
GJP



**HIGH COURT**

**DATED: 16/10/2023**



**JUDGMENT**

**WA.No.1001 of 2023**

**DISMISSING THE WRIT APPEAL,  
WITHOUT COSTS**

⑧ VW  
16/11/23