

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 34510 of 2012

ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Revenue. With the consent of both the parties, the Writ Petition is disposed of at the admission stage itself.

The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the inaction of respondents in allotting a house in terms of G.O.Rt.No.106, dated 27.03.2008, to the daughter of the petitioner, who is mentally retarded and orthopedically handicapped by birth, as illegal and arbitrary.

The facts which lead to filing of this petition are as under:

In view of G.O.Rt.No.106, dated 27.03.2008, the petitioner made a representation on 05.07.2010 to the fourth respondent seeking allotment of a house to his daughter, namely K.Akhilandeswari, who is not only mentally retarded but also orthopedically disabled. As there was no response to the said representation, the petitioner made a representation dated 06.12.2010 for allotment of house under Indiramma housing scheme. The third respondent failed to act on the said representation, but however, instructed fourth respondent to take immediate action, who kept the issue in abeyance. Left with no other alternative, the petitioner made a representation dated 23.05.2011 to the second respondent, bringing to his notice the inaction of the third and fourth respondents in considering the representation made for allotment of house in the light of G.O.Rt.No.106, dated 27.03.2008. Thereafter, the petitioner approached the Hon'ble Chief Minister and made a representation dated 17.03.2011 bringing to his notice the inaction of the second, third and fourth respondents and also sought for issuance of necessary proceedings for allotment of house in favour of his daughter. Acting upon the representation dated 17.03.2011, the office of the Hon'ble Chief Minister issued proceedings No.2665/GEN-GP/2011, dated 23.03.2011 to the second respondent directing him to consider the case of the petitioner and take necessary action. It is stated that in spite of the proceedings issued by the office of the Chief Minister, the respondents did not consider the request of the petitioner for allotment of house in favour of the daughter of the petitioner. Hence, this Writ Petition.

On 06.11.2012, this Court, while adjourning the matter till 19.11.2012, directed the Tahsildar, Nellore, to inform the Court about the nature of steps taken by him in compliance with the letter dated 07.04.2011, addressed by the District Collector, Nellore.

When the matter is taken up for hearing, it is brought to the notice of this Court by the learned Government Pleader that pursuant to the orders passed by this Court vide proceedings Rc.B.No.529/06, dated 14.11.2012, the possession of the land covered by plot No.250 in Survey No.2131 and 2132 situated in Nellore Bit I of Kouthuru Village was delivered to the petitioner on 15.11.2012. But however, the learned counsel for the petitioner submitted that the said land which has been allotted to the petitioner is unfit for raising any constructions and accordingly sought for allotment of land which is fit for raising a structure.

Today, when the matter is taken up for hearing, the learned Government Pleader for Revenue, on instructions, states across the Bar that alternate house site which is suitable for raising construction will be allotted, at the earliest, provided an application is made by the petitioner explaining reasons for alternate site.

Recording the statement made by the learned Government Pleader for Revenue, the Writ Petition is disposed of advising the petitioner to make a representation to the District Collector and also to Tahsildar seeking allotment of site, in which event, an alternate site shall be allotted in favour of the daughter of the

petitioner forthwith. It is also made clear that the entire process including delivery of possession shall be completed within three (03) months from the date of submitting the application. No costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

26.10.2015
vhb

JUSTICE C. PRAVEEN KUMAR