

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**Writ Petition No.29563 of 2012**

**Dated 18<sup>th</sup> June, 2015**

**Between:**

Massarrath Yasmeen

**...Petitioner**

**And**

The Chief General Manager, TSILC Ltd., Karimnagar, Karimnagar  
District and others

**...Respondents**

**Counsel for the petitioner: Sri M.Subba Reddy**

**Counsel for the respondents: Sri C.Prabhakar Reddy**

**The Court made the following:**

**ORDER:**

The writ petition is filed for a mandamus to declare the action of the respondents in not handing over the physical possession of plot Nos.8A and 8B admeasuring 312.50 sq.mtrs each situated in Industrial Park, Bodhan, Nizamabad District in terms of agreement of sale, dated 03.05.2008, executed by respondent No.1 in favour of the petitioner.

In the counter affidavit filed by the General Manager (Law), it is *inter alia* stated that as the petitioner failed to comply with the terms of the agreement of sale, show cause notices were issued on 19.11.2010 and orders, dated 22.08.2012, were passed cancelling allotment of plots and resuming the plots. Along with the counter affidavit, copies of show-cause notices and the cancellation orders along with purported acknowledgements have been filed.

Sri M.Subba Reddy, learned counsel for the petitioner, has seriously disputed the stand taken by the respondents that the

provisional allotment of plots in favour of the petitioner was cancelled.

The question whether the purported cancellation of allotment was made and if so, it was validly made can be gone into only in a properly instituted legal proceeding by the petitioner. The prayer as sought in the writ petition, namely, a mandamus to the respondents to direct delivery of possession of the plots in favour of the petitioner, cannot be granted in view of the stand taken by the respondents that the allotment of plots itself was cancelled. Therefore, the writ petition as conceived has become infructuous. The petitioner is, however, left free to avail a fresh legal remedy, if she feels aggrieved by the purported cancellation of allotment of plots.

Subject to the above observations, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.37742 of 2012 shall stand disposed of as infructuous.

**C.V.NAGARJUNA REDDY, J**

18<sup>th</sup> June, 2015  
VGB