

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.22608 OF 2011

ORDER:

1. The Writ Petition is filed seeking a direction to declare the action of the respondents in allotting the land to the Film Development Corporation without cancelling the assignment pattas granted to the members of the Dr.Ambedkar Nagar Association, Hyderabad (in short "the Association") in respect of the land in Sy.No.403 of Shaikpet village, Hyderabad District to an extent of Ac.5-00 cents without resuming the land from the assignees.
2. The matter came up for admission on 11.08.2011. On 09.04.2012 *status quo* with regard to the possession was directed to be maintained. Now Vacate Petition is filed by the Government. With the consent of the parties the matter is taken up for final disposal of the writ petition.
3. Learned counsel for the petitioner contends that the members of the petitioner were granted pattas in the year 1989, the Association now known as Dr.Ambedkar Nagar Association was earlier named as Basava Tarakam Nagar. Certain individuals were granted pattas in Sy.No.403, which is forming part of this Dr.Ambedkar Nagar Association. It is the contention of the petitioner that the members of the Association were sought to be shifted to some other place instead of accommodating them in the layout, which was sanctioned and prepared earlier, and the land in which the layout is prepared is sought to be given to the A.P. Film Development Corporation (in short "APFDC"). The claim of the petitioner by placing reliance on the Xerox copy of the map filed is that as per the layout prepared Dr.Ambedkar Nagar Association is adjacent to the Padmalaya Studio. Further, now considering the fact, recently the allotment made by the Government in favour of

the APFDC having been cancelled that part of the relief, which is claimed in the Writ Petition, need not be considered and a direction may be given to the respondent to develop the colony.

4. On the other hand the learned Government Pleader for Revenue (Telangana) would submit that very writ petition itself is not maintainable at the instance of the petitioner as there is no grievance that is being made by the members, who are residing in the said colony. They have already been identified and granted pattas and they are in peaceful possession and enjoyment of the respective tenements, which have been allotted to them. It is specifically averred by the respondents that a modus operandi of this Association is to encroach the land wherever there is an open land and thereafter make a claim in the name of the Association members by putting hutments and this has been going on for quiet some time. The learned counsel further contends that by a specific reference to the counter the patta certificates have been issued to the eligible beneficiaries and they are in possession and are in enjoyment of the same. The land that is being claimed by the petitioner in the present Writ Petition is behind the Padmalaya Studio and the land already under the possession of the individuals, who are beneficiaries identified at the relevant point of time is entirely different. The same is evident from the sketch map Ex.A1. It is further sated that the sketch and layout given by the then Director, Urban Community Development, approved by the MCH Commissioner vide Lr.No.80/ATP/UCD/MCH/94, dated 11.07.1994 is in conformity with the ground situation.

5. At the outset, the interim order granted by this Court on 09.04.2012 has no connection whatsoever with the main relief that has been sought for in the Writ Petition. There is no averment in the Writ Petition that the members of the petitioner Association are

sought to be dispossessed in any manner. Assuming for the argument sake the layout is sought to be changed it is for the beneficiaries and it is between beneficiaries to accept or not to accept the allotment and they cannot as a matter of right insist upon a particular land to be given in their favour. At best they can only expect and hope to be granted the house site patta in accordance with the schemes that are in operation from time to time. It is not that every individual citizen, who goes and squats on the government property, can be expected to be granted regularisation of their illegal occupation, They cannot claim as a matter of right the ownership rights to be given. At any rate, it is not the case of the petitioner that the Association is an assignee and being an Association by itself cannot make any grievance with regard to the change of location. It is the specific case of the respondents that the individuals who are identified as beneficiaries of the property situated in Dr.Ambedkar Nagar have been issued with pattas and they are in possession and enjoyment of the same. In that view of the matter, no orders as such can be issued in favour of the petitioner's Association with respect to the change of location or shifting of the layout. However, the other relief which has been claimed by the petitioner that the necessary amenities may be provided as per the approved plan definitely deserves consideration, inasmuch as, the beneficiaries of pattas are entitled to the development of their localities virtually on par with the other citizens subject to the restrictions and constraints of space in a particular locality.

6. In that view of the matter the respondents are directed to take all necessary steps to provide the amenities and facilities subject to the schemes and subject to the plans, which are in vogue from time to time.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

CHALLA KODANDA RAM, J

Dated:03.03.2015.

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HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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