

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

* * *

WRIT PETITION Nos. 26480, 26481, 26485, 26486, 26487, 26491, 26493, 26500, 26505,
26507, 26516, 26523, 26526, 26529, 26531, 26533, 26539, 26540, 26541, 26572, 26575
and 26595 of 2015

BETWEEN

K.Basavamma and others

... PETITIONERS

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary,
Revenue Department and others

...RESPONDENTS

Date of Order pronounced: 31.08.2015

SUBMITTED FOR APPROVAL:

-

-

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals?

3. Whether his Lordship wish to see the Yes/No
fair copy of the Judgment?

-

-

ORDER:-

Heard.

2. All these writ petitions are filed with similar grievance that the fourth respondent has erected a sign board on the plots of the petitioners describing that the lands belonging to the Government and the trespassers will be prosecuted.

3. For the sake of convenience, the facts in W.P.No.26480 of 2015 are referred to for consideration.

4. Petitioner claims that herself and several others are belonging to schedule caste and schedule tribes; are eaking out their livelihood by doing coolie work; and are below the poverty line without having any house site. On the request made by the landless poor persons including the petitioner, the fourth respondent is stated to have made a lay out in survey No.221/7 at Advavitakkilapadu and named it as Swarna Bharati Nagar adjacent to the electrical sub-station. The fourth respondent thereafter conducted further enquiry of each individual applicant and keeping in mind of their community status and their poor financial conditions, had assigned house site plot in favour of petitioner and 39 others

admeasuring 70 sq.yds., each for residential purpose. Petitioner claims to be allottee of plot No.22 allotted on 21.02.2015 (copy of the grant of such patta to the petitioner is produced along with Ex.P3). Petitioner states that herself and other allottees are in possession of respective plots and presently temporary sheds are raised pending taking up of detailed construction. While so, when some minority people tried to occupy nearby Government land and attempted to disturb the petitioner, they made complaint before the fourth respondent. It is further stated that now the fourth respondent has straight away erected sign boards proclaiming that the above land is a Government land. Petitioner and others have made representations dated 09.07.2015 and 27.07.2015 with the second respondent but since there is no action taken and the board is not removed, petitioner along with others have filed the present batch of writ petitions.

5. Learned government pleader for Revenue, on instructions from the fourth respondent states that the Collector and the District Magistrate called for a report from the Revenue Divisional Officer (RDO) when the Collector received the complaint regarding irregularities in allotment of house site plot to 40 beneficiaries in the said Swarna Bharathi Colony. The RDO was required to conduct enquiry into the matter and take appropriate disciplinary action and cancel the pattas if irregularities in the grant of patta are noticed. The Collector also directed the RDO to stop construction activities till the matter is enquired into and decided as per the Rules. The fourth respondent further states that the enquiry, as directed above, is pending with the RDO and as per instructions of the RDO the sign board was erected on the site. Learned government pleader further states that since the enquiry is already pending, due process of law will be followed and since the petitioners are stated to be the beneficiaries of the respective plots, they shall also be given appropriate notice and opportunity to submit their explanation and only after considering the explanation appropriate further orders will be passed by the RDO.

6. Keeping in view that the petitioners are *prima facie* stated to be plot owners and beneficiaries of each plot, as stated above, if the enquiry as stated is pending with the third respondent-RDO,

it is imperative for the third respondent to issue notice to each beneficiary-petitioner giving appropriate opportunity to submit explanation and then consider the same also while submitting the report to the District Collector. Since the sign boards are already erected, the same shall be subject to the reports that would be submitted by the RDO before the

Collector and thereafter the Collector, second respondent, shall issue appropriate directions for respondent Nos.3 and 4.

Writ petitions are accordingly disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

August 31, 2015

LMV