

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

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 8544 of 2004

Date: 11.03.2015

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Between:

Bayindla Pentaiah
& others.

... Petitioners

And

Mandal Revenue Officer,
Ranga Reddy District & another.

... Respondents

This Court made the following:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 8544 of 2004

ORDER:

This writ petition was filed by four individuals assailing the action of the respondent authorities in seeking to deprive them of their plots bearing Nos.13 to 16 in Sy.No.1 of Kethireddypalli Village, Moinabad Mandal, Ranga Reddy, otherwise than by due process of law.

By interim order dated 30.04.2004, this Court directed that as long as the pattas granted to the petitioners were in force, they should not be dispossessed from the lands in question.

The Mandal Revenue Officer, Moinabad Mandal, filed a counter affidavit stating that Kethireddypalli Village was afflicted with drinking water scarcity since a long time and therefore, construction of a sump was very much required to meet the community demand for drinking water. As no suitable alternative site was available except the sites allotted to the petitioners, the Rural Water Supply Department constructed a sump in the said land. It was further stated that the construction of the sump was undertaken with due consent of the petitioners in the interest of the village and that the petitioners would be provided with alternative sites in Government land, if they were found eligible for allotment as per rules.

Learned Government Pleader for Revenue states that the possession of the subject sites was taken over by the State even before the passing of the interim order, as the petitioners had failed to utilize the same by constructing houses.

As the subject sites have already been put to public use by construction of a sump, this Court is inclined to accept the offer made by the authorities that the cases of the petitioners would be considered for allotment of alternative sites in accordance with rules.

Learned counsel for the petitioners is also agreeable to the closure of this writ petition duly taking on record the offer which has been made in writing in the counter affidavit.

Learned Government Pleader for Revenue states that as per the prevailing policy, the State is undertaking allotment and assignment of land to eligible persons in accordance with the rules and that the petitioners' cases would also be considered in accordance therewith.

The writ petition is therefore closed directing the respondent authorities to consider the cases of the petitioners for allotment of alternative sites, duly keeping in mind the fact that the sites earlier allotted to them were taken over for a public purpose. The State shall consider the eligibility of the petitioners as per the prevailing policy and if they are found to be eligible, they shall be allotted suitable land in accordance with the rules. Interim order shall stand vacated in the light of this final order.

Pending miscellaneous petitions, if any, shall also stand closed.
No order as to costs.

SANJAY KUMAR, J

Date: 11.03.2015
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