

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.34419 of 2012

ORDER:

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Heard counsel for the petitioner and learned Government Pleader for Revenue for respondents 1 to 3.

2. Petitioner herein claims that the house site situated in survey No.216/1 was allotted to his forefathers several decades ago and thereafter, the Government resumed the same without any notice to the petitioner. Subsequently, the respondent officials again proposed to allot house sites to weaker sections of the people including the petitioner. It is stated that the 4th respondent, who is having political influence in the area, is trying to alienate the subject property proclaiming that he is owner of the property and having right to alienate the same.

3. The Revenue officials, having found that the petitioner is landless poor person, proposed to allot the said land to him along with other eligible persons. At that point of time, the 4th respondent is said to have interfered with said allotment. Petitioner and other eligible persons approached the Tahsildar and informed about encroachment of 4th respondent. It is said that in spite of repeated requests, the respondent authorities have not taken any action against the 4th respondent. Questioning the action of the 4th respondent, the petitioner got issued legal notice on 03.09.2012 requesting the authorities to enquire into the matter and take necessary action. Not taking any action against the 4th respondent lead to filing of the present Writ Petition.

4. The petitioner herein has not filed any document to show that his forefathers were allotted the subject land. The affidavit, filed in support of the petition, is silent as to whether the petitioner is in possession of the subject land. In the absence of any material to show that he is in possession of the subject land, the request of the

petitioner cannot be accepted. Further, it is also to be noted that, the averments in the affidavit show that the subject land was allotted to landless poor person. The material on record does not show the steps taken to assign the said land to the petitioner. In the absence of any material and as the request of the petitioner is vague, I see no grounds to grant the relief sought for by the petitioner.

5. Accordingly, the Writ Petition is dismissed at the stage of admission. There shall be no order as to costs. Miscellaneous petitions, if any, pending in writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

NOVEMBER 06, 2015

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