

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.6364 of 2008

ORDER:

The writ petition is filed seeking a writ of mandamus declaring the impugned proceedings of the Government in Memo No.8587/Pts.III/A3/2005-10, dated 12.02.2008, and the consequential proceedings of the second respondent in Roc.No.1506/2006, Pts.3, dated 19.03.2008 as arbitrary, illegal and consequently direct the respondents to approve the proposals of the petitioner Trust for allotment of Acs.0.53 cents in R.S.No.403/1C and 403/2B of Poranki Village, Krishna District.

The main grievance of the petitioner is that the Government by its proceedings dated 12.02.2008 rejected the claim of the petitioner Trust for allotment of land, which was originally accepted by the Gram Panchayat, Poranki.

When the matter is taken up for hearing, it is informed by the learned counsel for the petitioner that while giving 'Notice Before Admission', this Court by order dated 21.03.2008, directed the respondents to maintain *status quo*, and later the W.V.M.P.Nos.1580 and 1307 of 2008 filed by the respondents to vacate the order of *status quo* are also dismissed, and that the order of *status quo* is made absolute.

It is informed by the learned counsel for the petitioner that during pendency of the writ petition, he also made an application dated 13.01.2012 to the second respondent, District Collector, informing the orders of *status quo* and requesting for reconsideration of allotment of land as recommended by the Gram Panchayat, and the same was forwarded by the second respondent by its letter dated 30.01.2012, to the Principal Secretaries to the Government, Revenue Department and Panchayat Raj & Rural Development Department, and relevant portion of the same reads as under.

Aggrieved by the orders of the Hon'ble Institution of A.P.Lokayukta & Upa Lok Ayukta dated 29.02.2008, the petitioner Trust filed W.P.No.6364 of 2008 in the A.P.High Court against the Government and other respondents including the Vijayawada Telephone Employees Housing Welfare Association and the Hon'ble High Court was pleased to grant interim orders of status quo on 21.03.2008.

Against the interim orders of the High Court, dated 21.03.2008, the Vijayawada Telephone Employees Housing Welfare Association filed W.V.M.P.No.1580 of 2008

requesting the Court to vacate the interim orders. The High Court having heard the counsels for the contesting parties held that the Hon'ble High Court do not find any justifiable reason to vacate the interim orders of status quo and much less made the interim orders absolute.

The above representation is pending before the concerned authorities.

Learned counsel for the petitioner prays this Court to direct the first respondent to dispose of the representation made by the petitioner in accordance with law taking into consideration the Rules and Regulations framed while allotting land to the petitioner herein.

Considering the facts and circumstances of the case, even after knowing the earlier rejection of allotment of land and pendency of the writ petition before this Court, the first respondent has not chosen to dispose of the representation, dated 13.01.2012, and as such, the writ petition is disposed of in the following manner.

The first respondent is hereby directed to consider the representation, dated 13.01.2012, of the petitioner Trust and pass appropriate orders within a period of two months from the date of receipt of a copy of this order. The learned counsel for the respondent is also informed that if they intend to make any objection for consideration of the representation of the petitioner by the concerned authorities, they are at liberty to communicate this order along with relevant materials, on which the respondent's counsel relies, to the concerned authorities and that the first respondent is directed to consider the same and pass final orders in accordance with law. Till disposal of the representation by the first respondent, the order of *status quo* shall continue.

The writ petition is accordingly disposed of. Consequently, the miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

08.04.2015

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