

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.17703 OF 2013

ORDER:

Heard learned counsel for the petitioner and the Government Pleader.

The petitioner prays for Mandamus declaring the action of 4th respondent in not entertaining the documents presented by petitioner in respect of lands in Survey No.85-3 in an extent of Ac.1-35 cents, in Survey No.85-4 in an extent of Ac.1-24 cents and in Survey No.85-5 in an extent of Ac.1-02 cents situated at Thumkunta Village, Hindupur Mandal, Anaparthi District on the ground that they are assigned lands, as illegal, arbitrary and contrary to G.O. Ms. No.1117 Revenue (Assignment-1) Department, dated 11.11.1993.

The petitioner claims to be an ex-serviceman. It is the case of petitioner that the survey numbers referred to above have been assigned to him in file No.DAR Dis.No.11/1400 dated 24.08.1990 and being an ex-serviceman, the petitioner contends that the respondents cannot treat the petition lands as a Darkasth assignment and include in the prohibitory list resulting in refusal to register documents by the 4th respondent. It is admitted by 3rd respondent that the assignment is through File No.DAR Dis.No.11/1400 dated 24.08.1990.

The 3rd respondent joins issue with petitioner on two aspects, firstly, that it is not clear whether the assignment is under ex-servicemen category and secondly, that there is no conclusive proof on the status of petitioner as an ex-serviceman. In other words, the 3rd respondent's reply is that if the assignment is to an ex-serviceman, the ex-serviceman is entitled to the benefits of G.O.Ms.No.1117 dated 11.11.1993 for the conditions set out

therein. AT the time of hearing, the learned Government Pleader submits that these aspects involve consideration by Revenue authorities before conclusively accepting the case of the petitioner.

The petitioner is given four weeks from today to file representation before the District Collector for consideration of his case for grant of benefits of G.O.Ms.No.1117 dated 11.11.1993 along with supporting documents of his status etc. of having worked in the Army. On receipt of such representation, the District Collector/ 1st respondent is directed to enquire in to the status of petitioner, and if so, appropriate orders in terms of G.O.Ms.No.1117 dated 11.11.1993 are passed, within a period of two months thereafter.

The writ petition is disposed of as indicated above. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT,J

Date:20.03.2015

Stp