

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.35753 OF 2015

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The petitioner, who claims to be the President of Mustikuntla Village, Bonakal Mandal, Khammam District, challenges the recommendation made by the Tahsildar, Bonakal Mandal, Khammam District, the 4th respondent, to the Revenue Divisional Officer, Khammam District, the 3rd respondent, under Ex.P1 dated 04.07.2015 recommending allotment of Ac.0.04 guntas of land in Survey No.5 of Mustikuntla Village for construction of a Masjid. The petitioner's claim is that the Divisional Cooperative Officer, Khammam, by letter dated 25.02.2015, has long back requested the 4th respondent for allotment of suitable land for construction of 500 M.T. godown for storage. The petitioner states that ignoring the said request, the present recommendation is made by the 4th respondent.

It is evident that Ex.P1 is only a recommended report of the 4th respondent sent to the 3rd respondent and ultimately the decision is to be made by the District Collector, Khammam District, the 2nd respondent. Since there appears to be a request made by the Divisional Cooperative Officer, Khammam, as referred to above, it is for the 2nd respondent to consider the said request as well as the request of the members of the Muslim Community as recommended by the 4th respondent under Ex.P1. At this stage, no orders of allotment having been passed, the Writ Petition is clearly premature.

Hence, the Writ Petition is disposed of directing the 2nd respondent to consider all the requests for allotment on their own merits and take appropriate decision in the matter in accordance with law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

03.11.2015

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