

THE HONBLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.22706 of 2006

ORDER :

There is no representation on behalf of the petitioner. Heard learned Government Pleader for Assignment and perused the material available on record.

The present writ petition came to be filed seeking issuance of Writ of Mandamus to declare the action of the respondents in not considering the petitioner's applications dated 01.04.2006, 23.06.2006 and 26.07.2006 for allotment of land on market value for public purpose as illegal and arbitrary and consequently direct the respondents to allot Ac.20.00 of land as per the Board Standing Orders by resuming the land as per law in Survey No.913/914 of Yedvalli Village, Racherla Mandal, Prakasham District.

The averments of the affidavit filed in support of the writ petition are that the petitioner is a Secretary and Correspondent of the Ameeruddin Academy of General, Technical and Professional Educational Society situated at Sanjeevareddy Nagar, Giddalur. The petitioner society was established B.Ed College vide G.O.Ms.No.235, dated 25.02.2004 to provide education to poor minority community youth. The petitioner made a representation on 19.05.1992 to allot land admeasuring Ac.20.00 in Survey Nos.913 and 914 in Racherla Mandal, Prakasham District to run B.Ed College at Giddalur. As the revenue authorities unattended the said representation, W.P.No.4371 of 1998 came to be filed and the same was disposed of on 18.02.1998 directing the Collector, Prakasham District to consider and dispose of the petitioner's application for assignment within four months and since the said orders were not complied with, the petitioner filed C.C.No.1092 of 1998. After filing of the contempt case, the 2nd respondent issued proceedings No. Rc.B2/5258/98, dated 02.09.1998 rejecting the petitioner's application stating that the Government alone is the competent authority for alienation of Ac.20.00 Government land

to private individuals as per G.O.Ms.No.635, Revenue (Assignment-III) Department, dated 02.07.1990. Thereafter, the petitioner made a representation on 15.12.1998 to the 1st respondent i.e Government of Andhra Pradesh as suggested marking a copy to the 2nd respondent. The 2nd respondent disposed of the said representation on 02.02.1999.

Questioning the same, the petitioner filed W.P.No.4254 of 1999, which was disposed of directing the 1st respondent to consider and dispose of the petitioner's representations expeditiously. As there was no response from the 1st respondent, the petitioner filed C.C.No.1311 of 1999 before this Court. After filing the contempt case, the 1st respondent issued proceedings in Memo No.23209ASN.II(2)/99-2, dated 10.11.1999 stating that alienation of the said Ac.20.00 of land is not feasible for compliance and rejected without any reasons and the same was communicated to the 2nd respondent vide D.Dis.No.3186/99, dated 21.12.1999. The petitioner also filed Review W.P.M.P.No.31645 of 2005 seeking to review the order dated 07.02.2001, which was dismissed on 25.11.2005. It is stated that though pattas were granted to the beneficiaries in the year 1999 till date none used the land for their purpose and violated the conditions imposed by the respondents. The petitioner also stated the it may be provided the said land or any suitable land at Cherlopalli Mandal for public purpose and to that effect it made reminders and letters, but there was no response from the 2nd respondent. Challenging the inaction of the respondents, the present writ petition is filed.

Counter affidavit is filed by the 2nd respondent stating that the land which the petitioner has sought for is allotted to weaker sections under a scheme and as such the said land cannot be allotted to the petitioner.

A perusal of the material on record would show that the representations of the petitioner dated 01.04.2006, 23.06.2006 and

27.06.2006 are still kept pending and no orders are passed.

Therefore, without going into the merits of the case, this writ petition is disposed of, directing the respondents to dispose of the representations of the petitioner and pass appropriate orders in accordance with law at the earliest.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date: 18.12.2015

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