

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

* * * *

-

WRIT PETITION No.12919 of 2013

BETWEEN

A. Siva Kumar.

... PETITIONER

AND

The Government of A.P., Rep. by its District Collector, Ongole, Prakasam District and two others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 17.11.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be No
allowed to see the Judgments?
2. Whether the copies of judgment may be marked No
to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to see the No
fair copy of the Judgment?

-

-

-

-

ORDER:

Heard.

2. The only grievance of the petitioner is that his representation seeking assignment of land on market value of Plot No.5 admeasuring Ac.0.02 cents in Sy.No.271 of Kandukur village is not being considered. The present writ petition is filed alleging inaction against the third respondent.

3. Counter affidavit is filed, *inter alia*, stating as follows in paras

4 and 5:

“4. In reply to Para 4 of the affidavit, it is submitted that in the year 1989, it was proposed to grant house site in sy.No.271 Donka as the Donka is wide enough. House site plots have been laid on the southern side ie., all along the site in Sy.No.270 leaving space on its northern side for use by the public as their pathway. Subsequently Municipality laid road on the northern side of the land which was left for pathway. While preparing the lay out in Sy.No.271 space for use by the petitioner on the southern side and eastern side of plot No.6 was provided connecting to the approved plan of the petitioner and to the road laid in Sy.No.271 on its northern side.

5. In reply to Para 5 of the affidavit, it is submitted that in the year 1989, one Smt. Galeti Kanthamma was assigned house site in plot No.6 for ac.0.03 ½ cents and Smt. Bhavanasi Nagarajamma was assigned house site in plot No.5 ac.0.02 cents in the year 1996. In the year 1997, one Smt Kandrathi Venkayamma applied for the site set apart and being used by the petitioner as his way. The then Mandal Revenue Officer inspected the site and issued an endorsement to

Smt Kandrathi Venkayamma in Rc.HA/370/89 dated 14.3.1997 that as the site is set apart for way, it cannot be granted to her.

In the year 1999 after departure of the Mandal Revenue Officer who issued the above endorsement, Smt. Venkayamma suppressed the fact of endorsement, misrepresented the facts and obtained house site patta for ac.0.02 in Rc.DT(A)41/99 dated 23.1.1999 for the site that was left and being used by the petitioner in 271 and constructed house over night. Copy of the layout prepared in Sy.No.271 showing the site set apart for the way of the petitioner on the south and east of plot No.6, (2) plot No.5 assigned to Nagarajamma (3) plot No.6 assigned to Smt. Galeti Kanthamma is enclosed.”

With respect to the representation of the petitioner to respondents 2 and 3 stating that the above said Ac.0.02 cents of land is essential for ingress and egress to his house site bearing D.No.22-2-74, Nancharamma Colony, Kandukur, notice of enquiry in Rc.B/216/2013 dated 10.04.2013 and 28.04.2013 have already been issued to the assignee of plot No.5 in Sy.No.271 but the said assignee had neither appeared nor offered her explanation. While the said enquiry is pending, the present writ petition is filed by the petitioner.

4. Counter affidavit further states that the Revenue Inspector and the Village Revenue Officer, Kandukur, have also physically inspected the site and submitted a report. There also appears to be subsequent sale transactions relating to Plot No.5 and appropriate enquiry relating to sale of the assigned land viz. Plot Nos.5 and 6 is stated to have been separately taken up but no orders are stated to have been passed so far.

5. In view of the above, I, therefore, deem it appropriate to direct respondents 2 and 3 to complete the enquiry already initiated on the representation of the petitioner, if necessary, by obtaining appropriate orders from the District Collector in terms of the policy of the State and extant rules and pass appropriate orders expeditiously and in any case, not later than three (3) months from the date of receipt of a copy of this order.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

November 17, 2015

DSK