

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.35038 OF 2015

—

ORDER:

Heard.

The petitioner seeks change of nomination in the list of Land Oustees and Nominees and eligibility for consideration under the Land Oustees Scheme. The petitioner had earlier approached this Court in W.P.No.30942 of 2013 complaining that his application for change of nominee has not been considered by the Revenue Divisional Officer, Peddapalli, Karimnagar District, the 2nd respondent. This Court disposed of the said Writ Petition on 29.10.2013 permitting the petitioner to make appropriate application before the 2nd respondent together with all the material in support of his claim and thereafter the 2nd respondent was required to conduct enquiry and send his recommendations and if the petitioner is found to be a Land Oustee, send his recommendations to the District Employment Officer, District Employment Exchange, Karimnagar. Pursuant thereto, the 2nd respondent has conducted enquiry and under the impugned order, dated 05.11.2013, has declined to approve the petitioner's claim for change of nominee primarily on the ground that the list of nominees was settled and approved 23 years back and hence as per the circular instructions of the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad, dated 20.06.1990, and the Government Memo, dated 03.07.1990, held that unless and until Government Orders are issued with regard to change of original nominee, it is not possible for the 2nd respondent to consider the request of the petitioner. The said

order of the

2nd respondent is questioned in this Writ Petition.

Apart from the delay, it is also evident that the 2nd respondent has expressed his inability to accede to the request of the petitioner and has observed that unless and until the Government approves the change of nominee, the petitioner's request cannot be considered. It is, therefore, open for the petitioner to seek appropriate orders from the Government for change of nominee and if the Government accepts the petitioner's request, the 2nd respondent is duty bound to act in accordance with the directions of the Government.

Hence, the Writ Petition is disposed of giving liberty to the petitioner to make appropriate application before the Government in terms of the impugned order. There shall be no order as to costs.

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

VILAS V.AFZULPURKAR, J

28.10.2015

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