

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.12230 of 2005

ORDER:

Heard the learned Counsel for the petitioners and none appeared for the respondents.

The case of the petitioners is that they belong to Awalpur Village of Bela Mandal in Adilabad District. They were eking their livelihood by doing coolie work. Their names were proposed for sanction of houses under various schemes during the period 2003-2004 in Awalpur Village on 28.02.2004. When some third parties complained with regard to the allotment, the fourth respondent made re-enquiry and deleted the names of ineligible persons. The houses were allotted under the Prime Minister's Rozgar Yojana (PMRY) scheme. A final list of beneficiaries was displayed by the fourth respondent on 27.02.2004. The petitioners completed more than 75% of the construction work, but the respondents failed to supply the required material. However, instead of supplying the material, due to political pressure, the first respondent issued two separate proceedings on 13.05.2005 canceling the houses allotted to the petitioners. It is the case of the petitioners that the said proceedings were issued without issuing any notice to them. The petitioners submitted a representation on 25.05.2005 narrating the sequence of the events and requested to cancel the orders. When no action was taken, the present Writ Petition was filed.

This Court, by order dated 10.06.2005, granted interim suspension of the impugned proceedings and subsequently, by order dated 06.12.2005, directed the respondents to supply the material as per the Indira Awaas Yojana (IAY) scheme in order to enable the petitioners to complete the construction. In that view of the matter, the petitioners might have completed the construction of houses also.

The respondents have not filed any counter affidavit even after ten

years.

A reading of the impugned orders shows that the orders of cancellation were passed on 13.05.2005 on the ground that the beneficiaries have failed to complete the houses in time. The orders do not refer to any notice prior to the issuance of the said orders.

In the circumstances, the impugned orders of the first respondent dated 13.05.2005 are set aside, and if the respondents want to pass any order, they have to issue appropriate notice and take action only in accordance with law.

The Writ Petition is, accordingly, allowed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

06.03.2015

vs