

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 3741 of 2012

ORDER:

-

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

The present Writ Petition came to be filed seeking to declare the action of the respondents in not allotting land to the petitioners in lieu of land admeasuring Ac.1.10 guntas in Survey No.711/A situated at Ursu Village, Hanmakonda Mandal, Warangal District, as illegal and arbitrary.

The petitioners claim to have purchased agricultural land admeasuring Ac.1.10 guntas in Survey No.711/A situated at Ursu Village, Hanmakonda Mandal, Warangal District. The said land could not be cultivated for some time as it was encroached by some strangers. Then the petitioners filed O.S.No.188 of 1994 on the file of II Additional Junior Civil Judge, Waranagal, seeking permanent injunction against the defendants therein over the suit schedule property. The said suit was allowed on 18.12.1998. Against the judgment in the said suit, the defendants therein filed A.S.No.122 of 1999, which was dismissed. Pending litigation, the MRO, Warangal issued house site pattas on a premise that the said land is a Government land. On coming to know about the same, the petitioners approached the authorities, who after lot of persuasions, conducted enquiry, which lead to filing of a report dated 31.01.2011 to the District Collector by the Tahsildar. It is stated that though the Tahsildar in his report, categorically held that the petitioners herein lost their lands and that they are entitled for some other land of the same extent, till date no action has been initiated. Hence, the present Writ Petition.

A counter came to be filed by the collector wherein it is submitted as under:

“...as per revenue records the total extent of land in Survey No.711/A is Ac.1.11 guntas of Ursu Village stands patta in the name of Bandi Appaiah, Bandi Pedda Mallaiah, Bandi Chinna Mallaiah, Bandi Ankaiah S/o.Appaiah filed declarations under ULC Act. Among them Sri

Bandi Ankaiah S/o.Appaiah was declared as surplus land holder to an extent of 5100 square meters which is equal to Ac.1.11 guntas. The land has been taken over possession and handed over to Tahsildar, Hanamkonda on 05.05.1992 and assigned the land in terms of GO Ms.No.504 Rev (ULC), dated 01.06.1993 to Urban Housing Corporation under weaker section scheme on 15.01.1994 for housing purpose. In fact the writ petitions who are said to have purchased land in Survey No.711/A to an extent of Ac.1.10 guntas have not filed any declaration before Urban Land Ceiling Officer showing their interest over the said property. further they filed a suit for simple injunction in which Government is not a party as such the relief sought before the Hon'ble Court by the writ petitions is not maintainable and further they have no locus standi in this case.

It is further stated that the petitioners are not having any *locus standi* to ask for alternate land in lieu of the land assigned to the beneficiaries. It is contended that a duty is cast on the vendor of the petitioners to allot alternate land and there is no responsibility on the part of the Government to provide any alternate land.

It is to be noted that pursuant to a representation dated 08.11.2010 made to the District Collector, the Tahsildar along with his staff conducted enquiry and then submitted a report dated 31.01.2011 to the District Collector. The last paragraph of the said report reads as under:

“In view of the above circumstances, it is submitted that even orders issued in O.S.No.180/94, dated 18.12.1998 regarding not to interfere in the lands of the applicants, the same land was assigned. As the applicants lost their land i.e. Ac.1.10 guntas, they will be allotted at some other place.

This is submitted for necessary action”.

It is thus contended that pursuant to the representation made by the petitioners in the year 2010, a report was called for by the District Collector and the application is still pending consideration before the Collector. Hence seeks a direction to the Collector to pass orders on the same.

In view of the above, the District Collector, Warangal is advised to pass orders on the representation dated 08.11.2010, by taking into consideration the material available on record, as expeditiously as possible, preferably within a period of six (06) weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No costs.

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

JUSTICE C. PRAVEEN KUMAR

30.10.2015

vhb