

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 2164 of 2015

DATE: 05.02.2015

Between:

The BHPV Employees Co-op.
Housing Society for Weaker Sections
and Minority Groups .. Petitioner

And

1. The State of Andhra Pradesh
2. The District Collector
3. The Joint Collector
4. The Tahsildar
5. Greater Visakhapatnam Municipal Corpn. .. Respondents

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ORDER:-

The assertion of the petitioner-BHPV Employees Co-operative Housing Society for Weaker Sections and Minority Groups (for brevity "the Society), represented by its Secretary, is that the 2nd respondent-District Collector, on 14.12.1985, allotted Ac.9.00 cents of land in Sy.No.1/5 situated in Vadlapudi village for distribution of house-sites to 272 members of the Society. Subsequently, on a representation dated 10.11.1987 made by the petitioner, the 5th respondent, also allotted adjacent vacant land in an extent of Ac.4.50 cents in Sy.No.1/6 of the same village and the petitioner developed the adjacent land and constructed therein an overhead water tank to supply water to the colony by providing other facilities such as erecting electrical poles, etc. While so, it is stated that the 3rd respondent-Joint Collector, by proceedings dated 21.09.2007, ordered handing over of advance possession of the subject land of Ac.4.50 cents to the 5th respondent-Corporation for the purpose of construction of 12 MLD Water Treatment Plant to serve drinking water to 35,000 villagers of Gajuwaka, and subsequently, possession of the land was taken. Challenging the proceedings, the petitioner filed W.P.No. 22535 of 2007, and this Court, by order dated 28.12.2007, while dismissing the writ petition as having been withdrawn, took a view that the purpose of allotment of the adjacent land is to the benefit of the public at large and advised

the petitioner to choose alternative land. Now, the grievance of the petitioner is that even though the land allotted by the 5th respondent is being used for the welfare of the members of the petitioner-society, the same has been taken possession of. Hence, the present writ petition is filed seeking appropriate directions to the respondents to resume the land to the petitioner-Society for allotment of house-sites on payment of prevailing market value as per the recommendations of the 2nd respondent by virtue of his proceedings dated 27.07.2007.

The learned Government Pleader for Revenue appearing for respondent Nos.1 to 4 submits that there is no vested right in the petitioner to seek allotment of any land especially considering the fact that new Land Acquisition Act has made well-nigh impossible for the lands to be acquired by the Government. In the changed circumstances in the State, the Government is interested in protecting every inch of the Government land and in fact it is examining the desirability of granting land to the individuals and private societies. He also submits that acquisition of lands for public purposes on account of enactment of new Land Acquisition Act has become onerous and expensive. In that view of the matter, he opposes passing of any order mandating the government to consider the application of the petitioner especially when the petitioner is not able to trace its right to any statute or rule.

Considering the rival submissions of the parties and in view of the fact that at one time, the government had already entertained the application of the petitioner and grant or non-grant of land in favour of a particular party, being a policy matter, this Court, without expressing any opinion on the merits

of the case, directs the respondents to intimate the petitioner, the decision of the Government, one way or the other so that the petitioner would be certain about the issue relating to their representation. The respondents shall communicate to the petitioner-society such decision within a period of six weeks from today.

Accordingly the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

05.02.2015

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