

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.24627 of 2006

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Between:

1. Nallari Srikar Reddy, and another.

PETITIONERS

AND

1. The Andhra Pradesh Health & Medical Housing and Infrastructure Development Corporation, DM & HS Compound, Sulthan Bazaar, Hyderabad, rep. Managing Director, and others.

RESPONDENTS

ORDER:

The case of the petitioner in brief is that the 1st petitioner and his brother-2nd petitioner, who is Sarpanch of the Village during the year 1999-2000, at the request of the general public, donated an extent of Acs.1.00 of land comprised in Sy.Nos.943/3, 945/1, 946 and 974/3 respectively, situated at Medikurthy Village, Kalikiri Mandal, Chittoor District, by way of a gift settlement deed for construction of Primary Health Center (Government Hospital). The respondent-authorities without taking any construction activity kept the land vacant for a long time. On an enquiry

made by the petitioners in the year 2006 they came to know that the respondent-authorities instead of constructing Primary Health Centre in the land in Sy.Nos.943/3, 945/1, 946 and 974/3 donated by them, planned to construct the building in an extent of Ac.1.11 cents in Sy.Nos.165-1, 165-3, 165-4, 166, 167, 168, which was donated by one Y. Venkatachalapati by way of registered gift settlement deed dated 13.10.2006, and at the behest of political rivals of the petitioners, only to wreck vengeance and to spoil their name and goodwill, shifting of construction was engineered.

Learned counsel for the petitioners submits that there is no rationale and valid reason for respondent-authorities in shifting the construction of Primary Health Centre from one end to other end of the town. It is also submitted that as long back as in the year 1999-2000 the petitioners executed gift settlement deed and if in the opinion of the respondent-authorities the said land was not suitable and does not serve the purpose for which it was gifted, the authorities ought not to have accepted the same. After a six long years, the respondent authorities come with a spurious argument that the land donated by the petitioners is not suitable for construction of Primary Health Centre and the land donated by Sri Y. Venkatachalapati in the year 2006 is more suitable. No explanation is forthcoming from the respondent-authorities except using the vague word of public interest and public convenience. It is also the alternative contention of the learned counsel for the petitioner that at any rate in the event the respondent-authorities found that the Primary Health Centre building can be constructed only in the land in Sy.Nos.165-1, 165-3, 165-4, 166, 167, 168, they ought to have redelivered the land gifted by the petitioners for the specific purpose, which is no longer required.

Heard Sri P. Jagadish Chandra Prasad, learned counsel for the petitioners and Sri D. Krishna, learned Assistant Government Pleader for Revenue (A.P) for the 2nd respondent and perused the counter affidavits filed by on behalf of respondent Nos.2 and 3 and the material available on record.

The challenge in the writ petition is with regard to construction of Primary Health Centre at Medikurthy village, Kalikiri Mandal, Chittoor District. Definitely it is laudable and generous on the part of the petitioners, who have offered and, in fact, put in practice by way of donating one acre and odd land for construction of Primary Health Centre. As a matter of fact the petitioners have kept their word by registering

the land in favour of the respondent-authorities. It is also a fact that for some reason or the other the construction activity did not take place till 2006 and it is only in the year 2006 administrative sanction for construction was issued at the estimated cost of Rs.30,00,000/-. At that stage the petitioners came to know of the change in location of construction. However, the entire tendering process was undertaken by that time. Thereafter, the work came to be stalled by virtue of the interim order passed by this Court. The net effect of the change in the location by the authorities and subsequent action of the petitioners is that the construction of primary health Centre had not materialized and if the same is to be undertaken today, probably the same may cost more than a crore of rupees on account of inflation. It is an unfortunate event that on account of the whimsical decision of the authorities, the specific purpose of construction of Primary Health Centre itself is defeated. Whatever may be the reasons, as a matter of fact, as on date no construction has been undertaken and entire tendering process earlier undertaken is required to be redone.

In that view of the matter, I deem it appropriate to direct the respondent authorities to reexamine the entire issue within a period of six weeks from today and take a decision as to which of the lands is more suitable for the purpose of construction. In the event the respondent authorities find that the land in Sy.Nos.165-1, 165-3, 165-4, 166, 167, 168 is more suitable than the land which was donated by the petitioners, the land in Sy.Nos.943/3, 945/1, 946 and 974/3 shall be made over to the petitioners by executing a transfer deed in their favour or by way of cancellation of the gift settlement deed executed by the petitioners with the consent of all the parties and register the same. The entire exercise shall be completed within a period of three months from the date of the authorities deciding the suitability or otherwise of the land for the purpose of construction of Primary Health Centre.

With the above direction, the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

3rd June, 2015

Js.

