

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

WRIT PETITION No. 26106 of 2011

Between:

P. Suryanarayana

.. Petitioner

and

The Government of Andhra Pradesh, rep.

by its Secretary, Department of Revenue,

Hyderabad and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 28.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to Yes/No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 26106 of 2011

ORDER:-

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents. With the consent of both the parties, the main writ petition is heard and disposed of at the admission stage itself.

The present writ petition came to be filed seeking issuance of a writ of mandamus declaring the inaction of the respondents in passing orders on the representations dated 21.01.2009, 06.02.2009, 09.02.2009, 17.07.2010, 04.08.2010, 16.08.2010, 30.08.2011, 02.09.2010 and 05.07.2011 and the grievance petition with regard to the allotment of house sites in the land in Survey Nos.417, 422, 423, 424, 425 and 426 situated at Pursushothamapatnam, Chilakaluripet, Guntur District, as illegal and arbitrary.

On 29.09.2011, this Court, while granting time to the respondents to file their counter, called for a report from the 1st respondent with regard to the eligibility or otherwise of the persons mentioned in the list at page Nos.44 to 51 of the material papers annexed to the writ petition. Thereafter i.e., on 27.10.2011, the Secretary to the Government filed a report, wherein, the fact that ineligible persons were granted house site pattas was admitted. As the learned counsel for the petitioner sought time to verify the said report, the matter was adjourned by one week. On 03.11.2011, the matter was listed. This Court found that amongst the original list of 4323 beneficiaries, only 1225 were found to be real beneficiaries eligible for being granted house sites. After the original list of 4323 beneficiaries was prepared, 50 house sites were allotted and, on enquiry, it was found only 11 out of those 50 were alone eligible for grant of house sites and the 39 others as ineligible. This Court observed that the counter affidavit is silent as to what action has been taken against those 39 ineligible persons who have been granted house sites. This Court further observed that the 2nd respondent shall forthwith initiate action and submit a report by the next date of hearing of the action taken by him to cancel the house sites granted in favour of the ineligible.

Thereafter, the counsel for the petitioner filed a reply affidavit stating that out of 1225 beneficiaries identified from out of 4323 individuals, there are benami persons as well as the persons owning houses already. It is his case that the person at serial No.2 in the final eligible list is a BSNL employee, the persons whose names are mentioned at serial Nos.10, 28, 400, 402, 1022, 1023, 1026 to 1029, 1030, 1071 and 1182 are having own sites. The persons who stand at serial Nos.44, 47 to 57, 64 to

67, 72, 112, 113, 119 to 128, 185, 203, 280 to 305, 307 to 324, 335 to 343, 377, 423, 424, 623, 663, 664, 687, 689, 691, 706, 712, 713 and 756 are benami persons. Further, the persons named at serial Nos.135 to 139, 142 to 157, 188, 224, 240 to 245, 264 to 269, 357 to 363, 632 to 637, 646, 724, 725, 770, 774 to 776, 778 to 781, 783 to 799, 810 to 816, 857 to 875, 882 to 900, 907 to 918, 923 to 930, 1034 to 1037, 1090 to 1092, 1097 to 1101, 1107 to 1114 and 1182 are the persons who were already given pattas. In view of the above, he submits that several irregularities still persist even in the final eligible list of house site beneficiaries, and a re-enquiry needs to be conducted. He, however, submits that an opportunity be given to the petitioner to make a fresh application to the Tahsildar, Chilakaluripet Mandal, Guntur District (4th respondent) bringing to his notice the irregularities in the final eligible list of house site beneficiaries and that the 4th respondent may be directed to take action, in accordance with law.

Having regard to the circumstances stated above and without going into the merits of the case, the Writ Petition is disposed of, by directing the petitioner to make a fresh application before the Tahsildar, Chilakaluripet Mandal, Guntur District, pointing out the irregularities in the final eligible list of house site beneficiaries prepared by the Tahsildar in respect of the lands referred to above, in which event, the same shall be enquired into and dealt with, in accordance with law. It is needless to state that the petitioner shall make a fresh application before the Tahsildar within a period of four weeks from today and the Tahsildar shall make enquiries and submit a report to the Collector, Guntur District (2nd respondent) within a period of twelve (12) weeks thereafter who shall proceed, in accordance with law, if any irregularities are found in the re-enquiry. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall also stand closed.

C. PRAVEEN KUMAR, J

28th July, 2015

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