

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.16618 of 2005

ORDER:

None appears for the petitioner. Heard the learned Government Pleader for Revenue for respondents.

2. The case of the petitioner Society is that it was registered for the benefit of elderly persons and it was brought into existence in the year 2000. There were two buildings in the land of an extent of 7000 square yards which was taken on lease by Bharat Scouts and Guides Association. One of the sheds in the said land was occupied by the petitioner Association. With the permission of Bharat Scouts and Guides Association, a day care centre is being run in the said shed. When the said shed of the building was offered for sale by public auction by the second respondent, the present Writ Petition was filed stating that it submitted a representation on 11.12.2004 and without considering the same, the property is being brought to sale.

3. The third respondent filed a counter-affidavit stating that the first respondent appointed the Commissioner, Disabled Welfare as State Level Nodal Officer for implementation of national policy on elder persons in the State. He addressed a letter to the Commissioner of School Education on 28.04.2004 for providing accommodation in the premises of Bharat Scouts and Guides Association to the petitioner to run its activities. The Commissioner, in turn, addressed a letter to the Bharat Scouts and Guides Association with a request to provide accommodation to the petitioner. It is also stated in the counter that the Government is taking necessary steps for the protection of elderly persons and for implementation of the action plan and they constituted a State Council headed by Chief Secretary to Government in G.O.Ms.No.9, Women Development, Child Welfare & Disabled Welfare Department, dated 18.02.2003.

4. A separate counter-affidavit is filed by the second respondent stating that the land admeasuring 7018 square yards in plot No.Nil, situated at South of Alexander Road, Secunderabad was originally leased out on 01.04.1936 in favour of District Commissioner Boys Scouts Association, Secunderabad for a period of 30 years and subsequently the lease was renewed on 25.08.1962. Out of total extent of 7018 square yards, an extent of 4318 square yards was made free hold in favour of Bharat Scouts and Guides Association and a conveyance deed was also executed on 26.08.2000 and the remaining extent of 2700 square yards was taken back from the said Bharat Scouts and Guides Association vide memo of the Government dated 02.04.1990. The possession was also taken on 12.01.2000 under a cover of panchanama. The said land to an extent of 2700 square yards is located in the prime locality and the District Collector had taken a decision to put the said land in auction to raise financial resources to the Government. But, the auction could not be conducted in view of the interim orders of this Court dated 28.07.2005 directing the respondents not to finalise the auction till a decision is taken by the Joint Collector on the representation made by the petitioners on 10.06.2002, 06.09.2004 and 11.12.2004. Those representations were examined with respect to the office records and disposed of by the Estate Officer, Secunderabad by proceedings dated 19.09.2005 and the orders were served on the President of the petitioner Association on 29.09.2005. Thereafter, the petitioner Association was conducting the meetings in the portion of the area under the control of Bharat Scouts and Guides Association with their permission. The land was required for construction of offices of Mandal Revenue Officer and Revenue Divisional Officer. As on the date of filing of the counter-affidavit, the land was utilized for Tahsildar's Office, Secunderabad Mandal.

5. In view of the above facts, it is clear that the land an extent of 2700 square yards is a Government land which was taken possession by the Government from Bharat Scouts and Guides Association under a cover of panchanama dated 12.01.2000 and the said Bharat Scouts and Guides Association was given a land of 4318 square yards under a deed of conveyance dated 26.08.2000. It is also clear that the petitioner Association is running the activities in the land purchased by Bharat Scouts and Guides Association and

the remaining land which is in possession of the Government is required for public purpose. The representations of the petitioner were already considered by the second respondent and an order was passed on 19.09.2005 and was served on the petitioner on 29.09.2005.

6. In the circumstances, the Writ Petition is liable to be dismissed and is accordingly dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 10.04.2015

TJMR