

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.7959 of 2012

—

Dated 11.06.2015

—

Between:

P.Amrutha and 49 others

... Petitioners

and

1.The State of Andhra Pradesh

rep. by its Prl.Secretary

Hyderabad and 3 others

...Respondents

Counsel for the petitioner: Mr.N.Manohar

Counsel for respondents 1 to 3: GP for Revenue (Assignments) (TS)

Counsel for respondent No.4: None appeared

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to declare the action of

respondent Nos.1 to 3 in allowing respondent No.4 to proceed with the construction of 132/33 KV sub-station over the land in Survey No.291 situated at Palpanoor Village, Hathnoora Mandal, Medak District, ignoring the house site pattas granted to the petitioners, as illegal, arbitrary and unconstitutional. The petitioners sought for a consequential direction to respondent No.4 not to proceed with the construction/erection of 132/33 KV sub-station.

Respondent No.3 has filed a counter-affidavit as well as additional counter-affidavit. The necessity to refer to the contents of these affidavits is obviated for the reason that respondent No.3 is stated to have filed another counter-affidavit, dated 10-06-2015 (the same is not available on file). The learned Government Pleader for Revenue (Assignments) (TS) has, however, placed before the Court, a copy of the said counter-affidavit, sworn to by Mr.P.Prathap Reddy, the Tahsildar, Hathnoora Mandal, wherein he has *inter alia* stated as under:

“Further it is submitted that the Govt. is having about 29.17 acres of land in the same survey number i.e. 291 of Palpanoor village adjacent to the land allotted to AP Transco. As per the eligibility of the writ petitioners, they would be provided House sites in the balance land available in the same Sy.No. i.e. 291.”

The learned Counsel for the petitioners, while stating that his clients have no objection to the offer made by respondent No.3, has, however, taken a strong objection to the qualified statement of respondent No.3 that the petitioners will be granted alternative house site pattas subject to their eligibility. He has argued that since there is no dispute about the fact that all the petitioners were granted house site pattas, the question of assessing their eligibility at this stage for allotting alternative plots would not arise.

The learned Government Pleader fairly conceded that respondent No.3 will not make any further assessment of the eligibility of the petitioners and that he will allot alternative plots of the same size,

which were allotted to the petitioners earlier in Survey No.291, and complete the process within three months from today.

In view of this fair offer made by respondent No.3, the Writ Petition is disposed of with the direction to him to expedite the process of allotment of alternative plots of the same size in the same survey number to the petitioners and complete the same within three months from today.

As a sequel to disposal of the Writ Petition, WPMP.No.10086 of 2012, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 11th June, 2015

LUR