

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 33179 of 2012

ORDER:

-

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

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in not granting house site pattas to the petitioners, who are displaced persons under Somasila Project without considering any of the representations submitted by them, as arbitrary, illegal and contrary to G.O.Ms.No.68 dated 08.04.2005 and resettlement and rehabilitation Policy, 2005; and consequently direct the respondents to provide house site pattas to the petitioners.

The facts which lead to filing of the writ petition are as under:

The petitioners, who are residents of Gattupalle and Upparapalle Village, Hamlet of Obulam Revenue Village, Gopavaram Mandal, Kadapa District, claimed that they are displaced persons under Somasila Project. It is stated that the entire lands in Obulam Revenue village of Gopavaram Mandal were inundated due to heavy rains and submerged in the back waters of Somasila Project. Nearly 470 families were displaced under the project and they were shifted to Badvel Town and provided temporary shelter in the local market yard. Some of the persons settled down in Badvel Town and started living in rented houses, eking out their livelihood by doing labour work on daily wages. It is stated that the Revenue authorities decided to allot house site pattas to the displaced persons, pursuant to which a survey was conducted and prepared a list of 210 affected families belonging to Gattupalli Village and 120 affected families of Upparapalli Village under the scheme of rehabilitation and resettlement to displaced persons. It is further alleged that the land in Sy.Nos. 811, 1024, 1025 (of Gattupalli Village displaced persons) and in Sy.No.1034 and 1034 (of Upparapalli Village displaced persons) situated at Madakalavaripalli Village which is part and parcel of Badvel Town, was identified for allotment of house site pattas. It is stated that the Tahsildar, Gopavaram issued 145

house site pattas out of 210 displaced families of Gattupalli Village and failed to issue house site pattas to the petitioners and other eligible families of Gattupalli and Upparapalli Villages. It is stated that pursuant to the representations submitted by the petitioners, the Tahsildar, Gopavaram, addressed a letter Roc.No.B/825/2007 dated 01.12.2009 to the District Collector (second respondent) and Revenue Divisional Officer, Rajampet Division (third respondent), but they failed to initiate any action for implementation of the scheme. Thereafter, a legal notice came to be issued on 15.04.2011 to the respondents requesting to implement the scheme and policy envisaged by the Government in terms of G.O.Ms.No.68 Irrigation and CAD Project Wing (LA-IV-R&R) Department, dated 08.04.2005. It is stated that even after more than a decade the authorities failed to take any action on the representations made by the petitioners. Hence, the writ petition.

Though no counter is filed on behalf of the respondents, learned Government Pleader for Revenue disputed the averments made in the writ petition.

The grievance of the petitioners appears to be that their representations to implement the scheme and policy envisaged by the Government in terms of G.O.Ms.No.68 Irrigation and CAD Project Wing (LA-IV-R&R) Department, dated 08.04.2005 are not considered till date and hence seeks a direction.

Without going into the merits of the case and having regard to the circumstances stated above, the writ petition is disposed of directing respondent Nos.4 and 5 to act upon the representations made by the petitioners in pursuance of G.O.Ms.No.68, dated 08.04.2005 and pass orders in accordance with law within a period of twelve (12) weeks from the date of receipt a copy of this order, if the same are still pending. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

06.10.2015

Note: Issue C.C. by Monday

B/o

gkv