

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.38309 of 2014

ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue (A.P) for respondents 1, 3 and 7, Sri K. Vijay Kumar, learned Standing Counsel for respondent No.2 and Learned Assistant Government Pleader for Home (A.P) for respondents 4 and 5.

This writ petition is filed to declare the action of respondents 3 and 4 in not taking any action for restoring the possession to the petitioner in respect of Assigned House Plot No.644 Amruthanagar, Situated in Sy.No.54/1A, Modameedapalle, Prodhutur, Kadapa District as illegal and arbitrary.

The grievance of the petitioner is that his wife was assigned a house plot bearing No.644, in an extent of Ac.0.02 cents situated in Sy.No.54/1A at Modameedapalle, Proddutur, Kadapa District, on 8.05.2000. Thereupon, the petitioner constructed a house under housing scheme and was living in the said house. While so, on account of illness of his wife the petitioner had to go to Kurnool for treatment and thereafter to Hyderabad. At that point of time, the 6th respondent, who is none other than his nephew, occupied the said property, thus, depriving him of the allocation made by the Government. Aggrieved by the same, he approached the respondent-authorities for restoration of his possession, as the property in question is an assigned property. As there was no action by the respondents, he approached this Court by way of the present writ petition.

In the normal circumstances, the writ petition of this nature would not be maintainable. Since the petitioner is the beneficiary of assignment and a third party cannot be allowed to disturb such assignment, a duty is cast on the respondent-authorities to ensure that the benefits given to poor and downtrodden persons shall not be

disturbed by the third parties.

In that view of the matter, I deem it appropriate to direct the official respondents to enquire into the matter and take appropriate steps to ensure as to who are the beneficiaries of the Government assigned house property, after giving notice and opportunity of hearing to the petitioner as well as the 6th respondent.

With the above observation, the writ petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J.

21st January, 2015
Js.