

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 2887 of 2015

DATE: 11.02.2015

Between:

Scheduled Kulamu Kolla Pempaka
Abivrudhi Seva Sangham and nine others .. Petitioners

And

West Godavari District Scheduled Castes
Service Co-op. Society Limited
and four others .. Respondents

-
-
-
-
-

ORDER:-

The assertion of the petitioners is that in the year 1983, the 1st respondent –West Godavari District Scheduled Castes Service Co-operative Society Limited, with a view to developing an integrated poultry form to provide livelihood to unemployed labour, identified 30 members as beneficiaries and allotted Ac.02½ cents of land towards construction of houses and Ac.0.07½ cents for raising poultry shed to each beneficiary situated in R.S.Nos.249/2, 262/1A1 and 310/2 of Chakrayagudem village, Pedavegi Mandal, West Godavari District, and since then, the petitioners have been residing in thatched houses raised by them in the lands. The

1st respondent also provided them with required infrastructure and financial assistance through bank for construction of temporary poultry sheds. While so, it is stated that due to heavy rains and cyclone, all the thatched houses were destroyed. Since the Government has not sanctioned required amounts for construction of permanent poultry sheds along with the required infrastructure facilities like roads, drainage, water, etc., the petitioners are unable to continue the poultry business. Then, the petitioners made series of representations to the revenue authorities for granting house site pattas with required financial assistance for construction of pucca houses in the complex. Now, the petitioners' grievance is that the 1st respondent, instead of considering their representations,

issued notice dated 20.01.2015 directing them to vacate the lands by handing over the existing crops, houses and other constructions made therein or else they will be evicted forcibly. Hence, the present writ petition is filed seeking to set aside the impugned notice and issue appropriate directions.

Sri Y.V.Ravi Prasad, learned counsel for the petitioners, has submitted that even though the respondents granted house site pattas to similarly situated beneficiaries in other units / complexes for the same extents of lands, the writ petitioners are deprived of such benefit. It is further submitted that the 1st respondent, without giving the petitioners an opportunity to put forth their grievance, issued impugned notice directing them to vacate the lands which is not sustainable in law and prays to set aside the same.

The learned Government Pleader for Revenue appearing for respondent Nos.3 and 4, the learned Government Pleader for Social Welfare appearing for the 5th respondent and the learned Standing Counsel for Scheduled Castes Development Corporation appearing for respondent Nos.1 and 2 have submitted that the notice issued is only a show cause notice and there is ample time provided for the petitioners to ventilate their grievances including the grounds which have been raised before this Court, and it is only an apprehension that their representation would not be considered.

Having considered the rival submissions and in view of the fact that the impugned proceeding / notice is only a show cause notice which cannot be construed as a final order, this Court is of the opinion that interest of justice would be served if the writ petition is disposed of with the following directions:

“The petitioners are directed to submit their detailed representation / objections to the impugned show cause notice wherein they may also request for grant of house site pattas in their favour as was done in the case of similarly situated persons in other units / complexes. However, it is made clear that the petitioners shall not have any legal right to claim pattas to be granted in any particular survey number. On such representation being filed, the 1st respondent shall consider and pass appropriate orders thereon in accordance with law after affording the petitioners an opportunity of being heard personally. Till such time as final orders are passed, the petitioners shall not be dispossessed from the lands in question. The learned Government Pleader for Revenue shall communicate the order of this Court to the 4th respondent – District Collector over telephone as well as by way of a letter which shall be construed as a communication of the order from this Court.”

With the above direction, the writ petition is disposed of.
No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

11.02.2015

bcj