

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.5490 of 2015

ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Cooperation.

2. This writ petition is filed seeking writ of *Mandamus* declaring the action of the respondents in not implementing the Award passed by the 3rd respondent in ARC No.221 of 2002 dated 01.08.2010, as illegal and arbitrary and for a consequential direction to the respondents to register Plot No.84 consisting of 222 sq. yards in favour of the petitioner as per the Award in ARC No.221 of 2002 dated 01.08.2010.

3. The petitioner is a member of the 4th respondent-Housing Society, which was registered under the provisions of the A.P. Cooperative Societies Act, 1964 (for short 'the Act, 1964'). The Society was formed with the object of providing house sites to the down trodden S.C. community persons, who are its members. The Society purchased Ac.9.20 guntas of land in Sy.No.844/13 situated at Tukaram gate, North Lalaguda, Secunderabad and made a lay out and created 130 plots and allotted the plots to its members. Plot No.122 of an extent of 214 sq. yards was allotted to the petitioner. After allotment, the Tahsildar concerned issued a notice to the petitioner stating that the site covered by Plot No.122 belongs to the Government. Thereafter, there was a dispute between the petitioner and the 4th respondent-Society. Ultimately, the same was referred to an Arbitrator-3rd respondent. The Arbitrator passed an award on 01.08.2010 in ARC No.221 of 2002 allowing the dispute raised by the petitioner under Section 61 of the Act, 1964 and in terms of the said Award, according to the petitioner, the Society is obliged to allot alternative plot to the petitioner. But in spite of passing of the award, which became final, no alternative site was allotted to the petitioner. Therefore, the petitioner filed the present writ petition seeking direction to the 4th respondent-Society to allot

alternative site in terms of the Award in ARC No.221 of 2002 dated 01.08.2010 passed by the 3rd respondent.

4. Under the afore mentioned circumstances, the 4th respondent-Society is directed to consider the case of the petitioner by allotting him alternative plot, if there is no appeal pending against the award of the 3rd respondent and has become final, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of at the stage of admission. Miscellaneous applications, if any, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 06.03.2015

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