

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.28694 OF 2012

ORDER:

Heard Y.Anupama Devi for petitioner and Mr.Durga Reddy, learned Government Pleader for Assignment.

The petitioner complains against the installation of caution notice in Survey No.191/11 in an extent of Ac.2-00 of Gampalapalli Village, Tandur Mandal, Adilabad District, as illegal, arbitrary and unconstitutional.

The petitioner claims to be a poor backward class lady. The family does not have landed properties and is living by agricultural labour. The petitioner admittedly is in possession and enjoyment of petition land. On 12.05.2007, the petitioner requested for assigning the petition land in her favour. One of the grievances in the writ petition is that the representation has not been disposed of. The respondents without considering the claim of petitioner for grant of assignment installing the caution notice is illegal and arbitrary. Hence, the writ petition.

On 14.09.2011, the respondents were directed not to dispossess the petitioner from petition land. The possession of petitioner is protected.

The 4th respondent does not dispute eligibility, or the actual and physical possession of petitioner on the subject of the writ petition. The reasons stated by the 4th respondent for not

considering the representation are that the land which is allegedly in possession of petitioner was included for assignment to some other person and the assignee is not in possession. Therefore, the case of petitioner for disposing of representation or considering assignment of petition land to her does not arise unless appropriate orders are passed on earlier recommendation/orders of assignment.

Learned Government Pleader has placed before the Court the details of recommendation for assignment and made further submission that the comprehensive decision on earlier assignment as well as request of petitioner for assignment needs to be taken. The 4th respondent is present in Court with records.

Having regard to the above submissions, I am satisfied that the writ petition can be disposed of by this order:

The 4th respondent is directed to consider and dispose of the request of petitioner for grant of assignment within four weeks from the date of receipt of a copy of this order. It is needless to observe that recommendation for assignment or assignment on paper is required to be appropriately dealt with and the 4th respondent is permitted to act simultaneously in these matters, issue orders of assignment in favour of petitioner.

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

Miscellaneous petitions pending if any shall stand closed.

S.V.BHATT, J

Date: 26.08.2016
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