

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

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WRIT PETITION No.22777 OF 2004

ORDER:

This Writ petition is filed to declare the action of the respondents in not issuing patta certificates to the houses allotted bearing No.32-58, 32-92 situated at Khanojguda, Ambedkar Nagar Colony, Old Alwal, Malkajgiri, Ranga Reddy District, as arbitrary, illegal and direct the respondents to issue patta certificates to the petitioners.

02. The case of the petitioners is that they are landless poor persons belonging to Schedule Tribe Community. As per the Government directions, the third respondent has prepared a list of beneficiaries for house sites, for weaker sections and these petitioners are one among the other members in the list. As per the Circular notice dated 13.05.1987 the petitioners were directed by the Deputy Executive Engineer, Andhra Pradesh State Housing Corporation Limited, to appear at 10.00 a.m. on 15.05.1987 to occupy the pucca houses allotted to them, accordingly they appeared and occupied the houses. They are in possession of houses allotted to them. Though the houses were allotted to them in 1987, no pattas were granted till now, despite, their representations and legal notice. Therefore, they are in occupation of the pucca houses without any document of title issued by the Government and sought the above direction against the respondents.

03. The respondents did not file any counter disputing these facts.

04. During hearing, learned counsel for the petitioner, Sri Kesava Rao, has drawn attention of this Court to various documents filed along with this writ petition, Circular notice dated 13.05.1987, Memo issued by the Deputy Director, Social Welfare, Rangareddy District, on the representation made by the petitioners, to inquire into the matter and submit report to the concerned authority, but since no purpose was served, the petitioners were constrained to issue legal notice

demanding the respondents to issue patta certificates in their favour for the houses allotted and occupied by them, since, there was no response, the petitioners filed the present writ petition.

05. Undisputedly, the petitioners were put in possession allotting the houses bearing Nos.32-58 and 32-92 situated at Khanojguda, Ambedkar Nagar Colony, Old Alwal, Malkajgiri, Rangareddy District, and the same is substantiated by the Circular notice dated 13.05.1987, later they made a request for issue a patta certificates by representations undated and the same was received by the Director, Social Welfare Department, Rangareddy District, on 15.12.2002. Thereupon the Director, Social Welfare Department, issued a Memo dated 28.06.2013 directing the petitioners to approach the Deputy Director, Social Welfare Department, Ranga Reddy District, for issue of duplicate patta, who is competent authority. In turn the Deputy Director addressed a letter dated 19.01.2001 to the Mandal Revenue Officer to inquire personally and report, but no action was taken till now, for issue of patta certificates.

06. When the petitioners were allotted pucca houses and put in possession under the scheme, as they belong to Schedule Tribes, if the scheme permits issue pattas in their favour, they are entitled to claim pattas, but no pattas were issued. In case they are allowed to continue without any document of title, they will be termed as unauthorized occupants and they can be removed from the possession of the houses at any time. To avoid such contingency, the respondents are directed to take immediate action for issue of patta certificates for houses bearing Nos.32-58 and 32-92 to the petitioners, if they are entitled, according to the procedure and if scheme of allotment permits.

07. With the above direction, the writ petition is disposed of. No costs.

08. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Dt.19.02.2016

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