

**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

**WRIT PETITION NO.10426 OF 2005**

**ORDER:**

This petition under Article 226 of the Constitution of India is filed seeking a direction in the nature of Writ of Mandamus against the respondents to grant pattas in favour of petitioner Nos.2 to 27 in the remaining land of 900 Sq.Yds out of total extent of 2200 Sq.Yds in Bit Nos.50 and 51 in survey No.4 in Resapuvanipalem of Nakkavanipalem, Seethammadhara, Visakhapatnam.

Petitioner No.1, Priyadarshini Yuvajana Seva Sangham, is a registered society consisting of 101 members. The petitioner Nos.2 to 27 are the members of the petitioner No.1 – Society. The petitioners herein along with other 75 members filed W.P.Nos.1137 of 1992 and 14290 of 1992 seeking a direction against the respondents to grant pattas, as they were in possession and enjoyment of the land admeasuring 2200 Sq.Yds. in Bit Nos.50, 51 in Survey No.4 of the Resapuvanipalem of Nakkavanipalem, Seethammadhara, Visakhapatnam since 1988. During the pendency of the above said writ petitions, the respondent Nos.1 and 2 granted pattas to 75 members of the 1<sup>st</sup> petitioner for an extent of 1300 Sq.Yds. out of 2200 Sq.Yds; remaining 900 Sq.Yds was not allotted to other members on the ground that the same is kept as open place and pattas cannot be given. The petitioner Nos.2 to 27 are landless poor persons and they raised huts in the vacant land of 900 Sq. Yds. They are now claiming pattas in their favour for the land under their occupation, which is kept open. Despite the requests and representations made by the petitioner Nos.2 to 27, the respondents did not take any action and the inaction on the part of the respondents is illegal and arbitrary. Hence, the writ petition.

Admittedly, the respondents did not file any counter though '11' years has been elapsed after filing the writ petition and listed more than 3 times before this Court.

Sri M.Kesava Rao, learned counsel for the petitioners, reiterated the contentions as urged in the writ petition. He would further contend that the petitioner Nos.2 to 27 are the landless poor persons and they have constructed thatched huts in the subject land and residing therein, accordingly they are in occupation of remaining land of 900 Sq.Yds out of total extent of 2200 Sq.Yds in Bit Nos.50 and 51 in Survey No.4 in Resapuvanipalem of Nakkavanipalem, Seethammadhara, Visakhapatam.

The petitioners did not produce any material before this Court to prove that they have raised houses in the subject land. However, as per the contentions of the learned counsel for the petitioners, the petitioners are landless poor persons and not employed anywhere. Therefore, acceding to the request of the learned counsel for the petitioners, I find that it is a fit case to direct the respondents to consider the request of the petitioner Nos.2 to 27 for grant of pattas subject to their eligibility and availability of land.

Accordingly, the writ petition is allowed by directing the respondents to consider the request of the petitioner Nos.2 to 27 for grant of pattas subject to their eligibility and availability of land and pass appropriate orders and communicate the same to the petitioner Nos.2 to 27 within three (3) months from the date of receipt of a copy of this Order. No order as to costs. The miscellaneous petitions pending, if any, shall also stand closed.

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**JUSTICE M. SATYANARAYANA MURTHY**

Date:15.07.2016

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