

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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Writ Petition No.16418 of 2007

ORDER:

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This writ petition, under Article 226 of the Constitution of India, is filed seeking the following relief/s:

‘...to issue an appropriate writ or direction or directions under Article 226 of the Constitution of India, particularly one in the nature of WRIT OF MANDAMUS directing the respondents to return the amount to the 53 bonded Labourers which was collected by the banks and directing the authorities to provide all facilities to which bonded Labourers are eligible under the Bonded Labourers System (Abolition) Act, 1976 and directing the authorities to hand over the land in Sy.No.105/88 to Smt.Venkatamma W/o.Janaiah R/o.Khanapur village, Bijinepally Mandal, Mahabubnagar District after calling for the records and pass such other order.....’

[Reproduced verbatim]

2. I have heard the submissions of the learned counsel for the writ petitioner and the learned Government Pleader for Revenue appearing for the respondents 1 and 6 to 9. I have perused the material record.

3. The facts, as set out in the writ petition, in brief, are as follows:

The petitioner, who was an erstwhile bonded labourer along with others similarly placed, was freed from the bondage. She was one of the labourers identified as ‘freed bonded labourer’ as per the proceedings of the 7th respondent *vide* proceedings no.C/106/1991 dated 11.01.1991. As per the provisions of the Bonded Labour System (Abolition) Act, 1976 (‘the Act’, for brevity) the petitioner was given Rs.6,250/- as rehabilitation grant. The petitioner was also granted Ac.2.22 cents of Government land in Sy.no.105/88 of Vasanthapuram under patta as a measure of rehabilitation; but, possession of the same was not delivered to her. Further, the Banks have collected certain amounts from the writ petitioner from the rehabilitation grant. The said collection and retention

of the said amounts by the banks is contrary to the provisions of the Act. Further, though the land was assigned under the rehabilitation scheme, the possession of the same was not delivered. Therefore, the writ petitioner is entitled to seek the refund of the amounts collected forcibly from the grant given to her under the provisions of the Act and also a direction to the respondents to handover possession of the aforementioned land. Hence, the writ petition is filed.

4. The learned counsel for the petitioner made submissions in line with the case pleaded in the affidavit filed in support of the petition. He has drawn the attention of this Court to the beneficial provisions of the aforementioned Act.

5. The learned GP for Revenue, while making submissions in line with the counter affidavit of the 6th respondent, would submit that all the 53 bonded labourers of Thomalaply village of Pebbair Mandal including the petitioner herein have been freed and that rehabilitation facilities were provided as per the norms prescribed by the Government under the provisions of the Act and that it is true that the writ petitioner was assigned the aforementioned land as stated in the writ petition, but, the writ petitioner was reported to be not a resident of Khanapur Mandal or Vasanthapuram and that she had migrated with her family members to Hyderabad and that she had not put the land to cultivation and had left it fallow, though possession was delivered to her, and that in the circumstances stated the District Administration is ready to restore the possession of the assigned land to her, whenever she returns back to the village, and that the amounts said to have been collected and retained by the banks from the individuals like the petitioner might have been recovered towards the amounts due to the Banks, which are not covered by the rehabilitation package, and that with the said recovery by the banks, the 6th respondent has no concern.

6. At the hearing, it is stated that the writ petitioner is agreeable for the restoration of possession as stated in the counter affidavit of the 6th respondent and that a direction, therefore, may be accordingly given. In regard to amounts said to have been recovered by the banks, it is submitted that a direction may be given to the Vigilance Committee constituted under the Act to make necessary efforts to find out whether the recoveries made from the grant of the writ petitioner fall within the purview of a bonded debt or any other debt, which is being claimed as a bonded debt, and advise the District Magistrate and/or the Officer authorised by him to ensure that the provisions of the Act and the Rules made thereunder are properly implemented and to enable them to direct the banks concerned to refund the amounts collected from the writ petitioner, if necessary and if so warranted, subject, however, to the entitlement of the writ petitioner in that regard.

7. Recording the submissions, the Writ Petition is disposed of with the following directions:

1. The writ petitioner shall approach the District Collector and also the Mandal Revenue Officer concerned by submitting a written representation within a period of two (02) weeks from the date of the receipt of a copy of this order requesting to restore possession of the land in an extent of Ac.2.22 cents in Sy.No.105/88 of Vasanthapuram to her. On receipt of such representation, the concerned shall fix a date after giving a notice to the writ petitioner and restore possession to her under a written delivery receipt or acknowledgment in accordance with the procedure established by law.
2. The Vigilance Committee constituted under the Act shall enquire into the recoveries of the amounts said

to have been made from the grant and towards debts of the Banks and retained by the banks and find out, after giving an opportunity of hearing to the Authorities of the Banks as well as the writ petitioner, as to whether the recoveries made in whole or part are towards any bonded debt or any other debt, which is being claimed as a bonded debt, and advise the District Magistrate and/or the Officer concerned in regard to the result of the said enquiry made by the Committee so as to enable the concerned to direct the banks concerned to refund the amounts collected from the writ petitioner, if necessary and if so warranted, subject, however, to the entitlement of the writ petitioner in that regard.

No costs.

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

M. SEETHARAMA MURTI, J

06.01.2016
Vjl