

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.9093 of 2011

ORDER :

Heard Mr.K.V.Subba Reddy for petitioners, Mr.Durga Reddy for respondent Nos.1 to 4 and Mr.N.Praveen Kumar for respondent No.5.

With the consent of learned counsel appearing for the parties, at the stage of vacate stay petition, the writ petition is taken up for hearing and disposed of by this order.

The petitioners pray for Mandamus declaring the action of respondent Nos.2 to 4 in allotting an extent of 24 guntas in Sy. No.38, Miryalaguda town, Nalgonda District to 5th respondent Municipality when the house site pattas granted to petitioners are subsisting, as illegal, arbitrary and unconstitutional.

The case of petitioners is that on 08.03.2004, the 3rd respondent granted house site pattas to petitioners. The petitioners allege that though the house site pattas were issued, the 3rd respondent did not delineate the plots on ground and allotted to each one of the petitioners. It is further alleged that on account of a few teething problems, though there is a condition for constructing house on the plot allotted by respondents within two years from the date of assignment, the petitioners could not take up the construction. The petitioners fairly state that Show Cause Notice No.B/2920/2010, dated 12.10.2010 was issued by

4th respondent to show cause why the house site pattas granted on 08.03.2004 should not be cancelled. On 23.10.2010 the petitioners have submitted explanation. The short controversy presented by petitioners is that allotment of land in Sy.No.38 of Miryalaguda town in favour of 5th respondent is illegal, arbitrary and unconstitutional. Respondents 1 to 4 and 5 have filed counter affidavits and by way of reply, an attempt is made to persuade this Court to show that the grant of assignment in favour of petitioners bristles with procedural irregularities and illegalities. According to respondents, the petitioners are not eligible for grant of house site pattas. The assignment was made without following the procedure stipulated or instructions issued by the Government from time to time. The respondents further submit that the construction of slaughter house in the subject land is completed and the respondents will consider the explanation given by the petitioners in accordance with law and pass appropriate orders.

The complaint of petitioners is against the alleged allotment of land in favour of 5th respondent and construction of a slaughter house in the subject matter of the writ petition. According to petitioners, creation of any interest in favour of 5th respondent when the assignment of the petitioners is subsisting, should not have been done by respondents 3 and 4. The case of respondents is that a show cause notice was issued, explanation received

and the respondents by affording reasonable opportunity on the allegations stated in the show cause notice, will pass appropriate orders. When the petitioners are not disputing the fact that the 5th respondent has constructed a slaughter house in a portion of the subject matter of the writ petition, this Court is of the view that the prayer as made in the writ petition cannot and ought not to be considered, but to meet the ends of justice more particularly when the assignment in favour of petitioners is admitted and show cause notice dated 12.10.2010 is issued for taking appropriate action, the respondents are directed to complete the inquiry initiated through show cause notice dated 12.10.2010 within four weeks from the date of receipt of a copy of this order, afford opportunity to petitioners and pass appropriate orders. The parties are directed to maintain status quo as on date for a period of six weeks from today. The District Collector, Nalgonda is directed to supervise the inquiry pending before 4th respondent and he is further directed to ensure completing the inquiry, passing orders and communication to petitioners within the time directed by this court.

Writ petition disposed of as indicated above. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

S.V.BHATT, J

18th July 2016

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