

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.3413 and 13680 of 2012

COMMON ORDER:

These two Writ Petitions are being disposed of by this common order as they relate to the property occupied by one Nimnajathula Harijana Sangham, Indira Gandhi Colony, claimed by the petitioners in W.P.No.3413 of 2012 as owners.

W.P.No.3413 of 2012 was filed by the persons claiming to be owners of the property, of an extent of 1200 sq. yards in T.S.No.320P, Allipuram ward, Indira Gandhi Colony, Visakhapatnam, stating that they purchased the same under four different sale deeds from its true owners in the year 1997. It is their admitted case that the said land was occupied by one Harijana Sangham, Indira Gandhi Colony (76 families) and, in respect of the said occupation, a notification was issued earlier under A.P.Slum Improvement (Acquisition of land) Act, 1956 and later on withdrawn. It is also their case that, when the respondent was constructing flats under JNNURM housing scheme, the members of the said Sangham expressed their difficulty to pay the contribution, the petitioners have paid contribution for all the 76 families. They paid an amount of Rs.15,42,800/- at the rate of Rs.20,300/- per beneficiary on 08.12.2010 to the respondent - Corporation. In the

meanwhile, the said Sangham filed W.P.No. 6586 of 2011 seeking a direction to complete construction of flats at Bakkannapalem under JNNURM Housing Scheme for rehabilitation of the members of the Sangham and enable them to shift from the slum. When the respondent - Corporation filed a counter affidavit that the construction of houses at Bakkannapalem has already been completed, the Court disposed of the said Writ Petition on 29.09.2011 directing the respondent - Corporation to complete all the works within one month from the date of the order and intimate the same to the members of the Nimnajathula Harijana Sangham to enable them to shift to the new flats allotted to them at Bakkannapalem. Though the respondent - Corporation made all arrangements, the members of the Sangham did not shift their families. In those circumstances, the present Writ Petition was filed seeking a direction to the respondent - Corporation to shift the members of the Nimnajathula Harijana Sangham, Indira Gandhi Colony, and their families to the newly built flats at Bakkannapalem, if necessary, by seeking police aid in pursuance of the orders of this Court in W.P.No.6586 of 2011 dated 29.09.2011.

The said Nimnajathula Harijana Sangham (76 families) filed W.P.No.13680 of 2012 challenging the action of the respondents in not constructing the houses

sanctioned and allotted under JNNURM scheme pursuant to the letter issued by respondent No.4 dated 15.10.2008.

Respondent filed additional counter affidavit stating that, though initially 76 members of the Sangham requested to allot house flats at Bakkannapalem instead of originally allotted place i.e. lorry stand layout, later on, they were divided into two groups viz. 62 members in one group, who expressed their willingness to occupy their flats at Allipuram lorry stand where originally the flats were allotted through letter dated 10.09.2014 and occupied the same, and the remaining 14 members of the society have occupied the flats at Bakkannapalem on 10.09.2014 and they have been living peacefully in their allotted flats.

In view of the statement made by the respondent – Corporation in the additional counter affidavit, nothing survives for consideration in both the Writ Petitions as both the Writ Petitions were filed for evicting 76 families and rehabilitating them in the houses constructed by the respondent – Corporation.

Though the learned counsel for the petitioners in both the Writ Petitions raised several contentions, based on the subsequent developments, this Court is not inclined to consider them in view of the satisfaction of the relief sought for in both the Writ Petitions.

Both the Writ Petitions are closed recording the statement made by the respondent – Corporation in the counter affidavit.

Miscellaneous applications, if any, shall also stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:22.11.2016
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