

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 7470 of 2012

Order:

Heard the learned counsel for the petitioner Society, learned Standing Counsel for the second respondent and the learned counsel for the respondents 5 and 6.

It is the case of the petitioner Society that it has a piece of land in TS No.2002, Central Excise Colony, Ananthapur and it wanted to construct a community hall in the place where its administrative office is located. The said administrative office is having a door No.12/86-A which was later on given a new door No.12-377 by the second respondent. When funds were made available under the Constituency Development Programme and administrative sanction was issued for Rs.4.00 Lakhs for construction of community hall in the said place the work was entrusted to the second respondent. When the work was not commenced, the present Writ Petition was filed seeking relief against the respondents 5 and 6 who claimed title to the said land.

A counter affidavit is filed by the second respondent stating that the petitioner Society is not having title to the land claimed by them. The payment of property tax does not confer any title on them. It was also stated that after granting administrative sanction the same was cancelled by the District Collector and an alternative work of providing CC roads in A.P. Housing Board Colony was sanctioned on 09.12.2011. The sixth respondent submitted an application for construction of residential building in the land claimed by the petitioner Society by submitting ownership document executed by the fifth respondent. At present, the

work is stopped and the site is vacant. The issue with regard to rival claims of the petitioner Society and the respondents 5 and 6 is pending before the fourth respondent.

Learned counsel for the petitioner Society as well as the counsel for the respondents 5 and 6 submits that the proceedings before the fourth respondent are pending with regard to claim made by the respondents 5 and 6 in respect of the land of which the petitioner wants to construct a community hall. By virtue of the subsequent proceedings issued by the District Collector cancelling the earlier sanction orders by proceedings dated 09.12.2011 the issue of construction of community hall by utilising the funds under the Constituency Development Programme does not survive for consideration in the present Writ Petition. In the circumstances, all the counsel submit that appropriate direction shall be issued to the fourth respondent to decide the pending proceedings initiated under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act 1977 in respect of Plot No.122/A in Survey No.2002, Central Excise Colony, Ananthapur.

In the circumstances, the fourth respondent is directed to continue the enquiry initiated by him in respect of Plot No.122/A, situated in Survey No.2002 in the land admeasuring 32 x 55 for which a patta was granted in favour of the husband of the fifth respondent in H.S.Dis 38/1417/A and pass appropriate orders after hearing the petitioner Society as well as the respondents 5 and 6 within a period of six (6) months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 02.12.2016
Nsr

