

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No.22013 OF 2014

ORDER :

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This writ petition is filed seeking writ of mandamus declaring the action of the respondents in not granting house pattas in Sy.No.1 of China Cumbum Revenue Village of Cumbum Mandal of Prakasam District by considering repeated representations including one dated 04.01.2014 submitted by the petitioners and other residents of Bestavaripeta village in Bestavaripeta Mandal of Prakasam District as illegal and arbitrary and consequently to direct the respondents to grant house sites and houses in Sy.No.1 of China Cumbum Revenue Village as identified by 4th respondent by his letter in Rc.A/68/2012 dated 25.05.2012.

2. Counter affidavit is filed by the 3rd respondent denying the averments in the affidavit filed in support of the petition stating that the petitioners have represented the Revenue Divisional Officer, Markapur for grant of house site pattas along with some other persons and same was forwarded by RDO, Markapur to the Tahsildar, Cumbum for grant of house sites in Sy.No.1 of Chinna Cumbum village of Cumbum Mandal in Prakasam District. The Tahsildar, Cumbum has sent all the applications so received from the RDO, Markapur to the then Tahsildar, Bestavaripeta on 22.01.2014. The then Tahsildar, Bestavaripeta has enquired all the representations and prepared the list of beneficiaries and sent it to the Tahsildar, Cumbum on 05.02.2014 due to lack of suitable government land in Bestavaripeta village. The names of the petitioners also appeared in the list and that it is for the Tahsildar, Cumbum to take necessary action in the matter.

3. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue appearing for the respondents.

4. When the matter came up for hearing on 13.04.2016, learned

Assistant Government Pleader for Revenue took time to get instructions from the 4th respondent as to what is the action taken by him on the proposals sent by the 3rd respondent.

5. Now it is submitted by the learned Assistant Government Pleader for Revenue that there is no land available even as per the 4th respondent i.e., Tahsildar, Cumbum, Prakasam District, as such, it is not possible to allot any land.

Since it is represented by the learned Assistant Government Pleader for Revenue, on instructions, that no land is available at Bestavaripeta village, no mandamus can be issued for grant of house sites and the land to the petitioners as the same is not available.

In view of the above facts and circumstances, I do not see any merit in the writ petition. Accordingly, the writ petition is dismissed. However, as and when any proposal arises for grant of house sites, petitioners' case shall also be considered as per law. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending, shall stand dismissed.

A.RAJASHEKER REDDY, J

19.04.2016.

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HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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