

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No. 31978 OF 2016

O R D E R:

This writ petition is filed seeking a *mandamus* declaring the action of the second respondent in directing the third respondent to evict the petitioner from the quarter bearing No.12-31, Revenue Quarters, Pattikonda Village and Mandal, Kurnool District, declaring him as an unauthorized occupant, as illegal and arbitrary.

It is the case of the petitioner that the aforementioned quarter was allotted in his favour way back in the year 1982 while he was discharging his duties as Senior Assistant in Revenue Department at Pattikonda and since then he is living therein. He retired as a Mandal Revenue Officer, Devanakonda, on 30.09.1995. While so, the Government has taken a decision to allot the Government Quarters/land of NSRS (Srisailam) Project to the people below poverty line / retired Government employees of NSRS (Srisailam) Project, on free or nominal rate basis, and accordingly, issued G.O.Ms.No.21, Irrigation and CAD (PW-MAJOR.IX) Department, dated 05.02.2009. Therefore, the petitioner submitted a representation dated 25.07.2016 to the second respondent to regularize the said quarter in his favour either on free or on nominal rate basis. However, the second respondent through the impugned order while declaring the petitioner as an un-authorised occupant directed the third respondent to evict him from the subject quarter. Hence, this writ petition.

Heard learned counsel for the petitioner, who submits that the petitioner is entitled for allotment of quarter in his favour by

virtue of G.O.Ms.No.21, Irrigation and CAD (PW-MAJOR.IX) Department, dated 05.02.2009, but without considering the said aspect, the impugned order has been passed, which is erroneous.

On the other hand, learned Government Pleader for Revenue submits that G.O.Ms.No.21, dated 05.02.2009 is applicable for allotment of Government quarter to Below Poverty Line people or retired Government Employees of N.S.R.S.(Srisailam) Project. He further submits that since the petitioner is not an employee of N.S.R.S.(Srisailam) Project, G.O.Ms.No.21, dated 05.02.2009 has no application.

The head note of G.O.Ms.No.21, Irrigation and CAD (PW-MAJOR.IX) Department, dated 05.02.2009 reads as follows:

“NSRS(Srisailam) Project - Allotment of Government Quarters/land of NSRS (Srisailam) Project to Below Poverty Line/retired Government Employees of N.S.R.S.(Srisailam) Project-Orders-Issued.”

Admittedly, the petitioner worked in Revenue Department and retired as Mandal Revenue Officer. It is not the case of the petitioner that he is an employee of N.S.R.S (Srisailam) Project. As such, as rightly contended by the learned Government Pleader for Revenue, G.O.Ms.No.21, dated 05.02.2009 is not applicable to the petitioner. Hence, no *mandamus* can be issued for allotment of subject quarter in favour of the petitioner.

At this stage, the learned counsel for the petitioner requests this Court to grant some time to the petitioner to vacate the subject quarter.

In the circumstances, the Writ Petition is disposed of granting six months time to the petitioner to vacate the subject quarter, otherwise, it is open for the respondents to evict the petitioner.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

A. RAJASHEKER REDDY, J

Date: 23.09.2016

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