

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.431 of 2012

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Between:

1. Dunga Siva Lakshmi and others.

PETITIONERS

AND

1. The A.P. Housing Corporation Visakhapatnam rep. by its Project Director, and others.

RESPONDENTS

ORDER:

The petitioners are resident of Pedayathapalem Village, Gajuwaka Mandal, Visakhapatnam District. It is stated that they are all landless poor persons and eking out their livelihood by working as agricultural coolies. The land in an extent of Ac.1.69 cents in Sy.No.111 of Kurmannapalem Village was classified as assessed waste dry land in the Revenue and Settlement Records. Originally, the said land was assigned to one Sri Vadapalli Rajana Rau in the year 1970 and D form patta was also issued to him with certain conditions. However, on account of violation of assignment conditions, the 4th respondent, after following due procedure, resumed the said land and cancelled the assignment through proceedings dated 19.05.1999. Thereafter, the 4th respondent divided the land into small plots and submitted layout to the Commissioner, Greater Visakhapatnam Municipal Corporation. Later, on the directions of the 2nd respondent, the 4th respondent issued pattas to an extent of 60 sq. yds each to 69 beneficiaries including the petitioners herein, on 07.12.1999 for construction of houses. After allotment, the petitioners formed into a society by name, 'Kunchamma Talli Dwacra Mahila Podupu Sangam' and submitted a representation to respondents 1 to 4 to formulate a housing scheme under 'Indiramma Awas Yojana Pathakam'. The 4th respondent gave an endorsement dated 05.05.2010 stating that W.P.No.6712 of 2000 was filed by the third parties, who have purchased the land from the original assignee, and on account of pendency of litigation no action has been taken. The grievance of the petitioners is that though the said writ petition was disposed of on 17.12.2003 and no appeal is pending before them, the respondents are not considering their case for formulation of a housing scheme.

Hence the present writ petition is filed.

This Court while admitting the writ petition on 01.02.2012, granted interim direction to the respondents to consider the application of the petitioners.

A vacate stay application in W.V.M.P.No.1475 of 2012 is filed to vacate the interim order dated 01.02.2012. Along with the vacate application, a counter affidavit is also filed by the 4th respondent admitting the factum of petitioners having been granted house site pattas. However, the reason stated in the counter for not proceeding further is only on account of the direction of this Court in W.P.No.6712 of 2000.

After filing of counter, the petitioners filed W.P.M.P. (SR).No.19143 of 2016 seeking amendment of writ affidavit and prayer by substituting 'Pradhana Mantri Awas Yojana Scheme (May-2015) and NTR Housing Scheme' in the place of Indiramma Gandhi Awas Yojana Pathakam'.

Heard learned counsel for the petitioners and learned Government Pleader for Revenue for respondents.

It is not in dispute that the petitioners were granted house site pattas and the said fact has been admitted by the respondents in their counter. The impediment, which was projected by the respondents, that the third parties, who have purchased the land from the original assignee, have filed writ petition and this Court directed the respondents to give them an opportunity, was also removed on account of the final orders passed by the 4th respondent-Tahsildar, Gajuwaka vide proceedings dated 14.12.2015 directing assumption of land in favour of the Government and the validity or otherwise of the order dated 14.12.2015 passed by the 4th respondent is not the subject matter of this writ petition or any other proceedings as on date. In other words, the impediment, which was cited by the respondents to grant financial aid, has been removed as on date. However, the original scheme, viz., Indiramma Gandhi Awasa Yojana Pathakam' is not in

vogue as on today and the same having been replaced by 'Pradhanamantry Awasa Yojana Schme May, 2015 and NTR Housing Scheme'.

Therefore, I deem it appropriate to direct the respondents, subject to the eligibility of the petitioners their applications may be considered. Inasmuch as the conditions under which the benefits announced under various schemes would depend on various factors, the petitioners shall make fresh applications in prescribed format. As and when such applications are made, the respondents shall consider the same, and pass necessary orders within a period of 12 weeks from the date of receipt of applications.

With the above direction, the writ petition is disposed of. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

11th February, 2016
Js.