

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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WRIT PETITION No.9897 OF 2012
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ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. With consent of both the counsel, the present writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed seeking issuance of writ of *mandamus* declaring the action of the respondents in not handing over the physical possession of Plot No.236 to the petitioner besides not releasing the attached package under the scheme pursuant to a patta, dated 30.06.2006 as illegal and arbitrary, and consequently, direct the respondents to hand over the physical possession of aforesaid plot besides releasing the package attached to the scheme forthwith.

3. The averments in the affidavit filed in support of the writ petition are as under:

The petitioner, who had an own house in Burepalli village got submerged into the Kandula Obulareddy Gundlakamma Reservoir Project (KOGR) in the year 2006. On the ground of submergence, the respondents took a policy decision to allot house sites near Gundlapalli village by acquiring certain lands in Sy.No.223/1B, 244 etc. Being satisfied that the land of the petitioner was submerged, the respondents allotted plot No.236 to the petitioner in the above said survey number and patta was also granted in his favour. It is said that though patta has been granted, till date no physical possession has been handed over to

the petitioner. Apart from providing alternative house sites, the respondents also took a policy decision to provide a package of Rs.1,10,000/- towards solatium in lieu of losing the dwelling houses by the villagers, which have already constructed by then in the said village. Challenging the action of the respondents in not handing over the physical possession of Plot No.236 to the petitioner besides package attached thereto, the present writ petition is filed.

4. At the time when the matter is taken up for hearing, learned Government Pleader for Revenue submits that though there is a delay in handing over the physical possession of plot No.236, the same was handed over to the petitioner at a later point of time and he is in possession of the same. In so far as the package is concerned, learned Government Pleader submits that if the petitioner makes an application for release of the package as decided by the respondents, the same will be dealt with in accordance with law.

5. Recording the said statement of the learned Government Pleader and as the petitioner is in possession of plot No.236, the request of the petitioner for release of package shall be considered pursuant to the application, if any, made by him, in accordance with law.

6. Accordingly, the Writ Petition is disposed of directing the petitioner herein to make an application before the Special Deputy Collector, KOGR Project, Ongole, within a period of three (03) weeks from the date of receipt of a copy of this order, in which event the authorities shall consider the claim of the petitioner for

release of the package, in accordance with law, within a period of six (06) weeks thereafter.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

Date:19.01.2016
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