

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 12983 of 2012

Order:

None appears on either side.

The affidavit filed in support of the Writ Petition states that the petitioner and her family members are daily coolie workers. She is a landless poor person. Considering their family situation, the Tahsildar, Kallur issued house site patta on 14.08.2005 bearing Plot No.49 of an extent of 30.30 sq. yards. She constructed a house and fulfilled the patta conditions. She obtained electricity connection and has been paying consumption charges. When the respondents visited the premises and instructed her to vacate the house on the ground that it was constructed in a municipality land and the Tahsildar has no power to allot the land, which was followed by another visit on 24.04.2012, the present Writ Petition was filed.

This Court, by an order dated 27.04.2012, directed the respondents not to dispossess the petitioner from the subject property without following due process of law and the said orders are in operation till today.

A counter affidavit is filed by the respondents admitting that a house site patta was given to the petitioner and others against the rules and the District Manager, Housing Corporation, Kurnool constructed houses also under housing scheme in the reserved open space of LP No.191/84 which was approved by the Director of Town and Country Planning, Andhra Pradesh, Hyderabad in New Shareen Nagar, Kallur,

Kurnool. Challenging the issuance of pattas in the open space meant for park etc., the Nayee Brahmana Seva Sangam, Kallur filed Writ Petition No.3470 of 2006 stating that the lands should be utilized for public purpose only. The Government issued G.O.Ms.No.72, Municipal Administration, dated 20.02.2002, directing all Municipal Corporations in the State not to utilize the reserved open spaces for the purpose other than the intended original use. In view of the same and in view of the orders of the District Collector dated 19.07.2008, the Revenue Divisional Officer, Kurnool, by proceedings dated 19.07.2008, cancelled the house site pattas issued to 72 assignees and house sites were allotted to the said assignees at an alternative place in Dinnadevarapadu village under Urban Housing Indiramma Programme. The Tahsildar, Kallur vide letter dated 24.07.2008 requested the Commissioner of the Municipal Corporation to take steps for developing the park place duly clearing the encroachments as per the directions of the Commissioner and Director of Municipal Administration, Hyderabad dated 24.07.2007. In spite of providing alternative site, the petitioner and some others refused to vacate the encroached sites. No door number was allotted and no demand property notice was issued to the petitioners from the Corporation. The petitioner was issued a notice by the Corporation on 23.07.2010 with regard to cancellation of patta issued to her earlier and she was asked to vacate the premises. The notice was received by the petitioner on 30.07.2010 and in spite of the same, she has not vacated.

It is an admitted case that the petitioner was initially allotted the house site patta by the then Mandal Revenue Officer, Kallur in proceedings dated 18.07.2004 in an open space of LP No.191/84 in New Shareen Nagar, Kallur, Kurnool contrary to the rules. The Housing

Corporation also constructed the house, but the said allotment made to the petitioner and others was cancelled by the Revenue Divisional Officer in proceedings dated 19.07.2008 and they have not challenged. The petitioner was given an alternative site. In view of providing alternative site to the petitioner by canceling the patta granted to her earlier, this Court sees no ground to grant the relief as sought for by the petitioner.

The Writ Petition is, accordingly, dismissed. However, before taking any action for eviction of the petitioner from the house appropriate notice shall be given to her. There shall be no order as to costs. The Miscellaneous Petitions pending, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 18.10.2016
Nsr

