

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.3330 OF 2016

ORDER:

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

2. The present writ petition came to be filed with the following prayer:

“to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondent No.4 herein in not considering the representation submitted by the petitioner for allotment of the land admeasuring Ac.1.00 cents in Sy.No.1/5 of Gopalapatnam village, Chinagadili Mandal, Visakhapatnam District in spite of the written representation 20-12-2014 and the letter of the 2nd respondent dated 02-01-1998 bearing L.Dis.No.8016/97/B2 as being illegal, arbitrary and unjust and consequently direct the respondent authorities to forthwith allot the above said land to the petitioner society.”

3. The averments in the affidavit filed in support of the writ petition would show that the Petitioner Society registered vide Regn.No.1005 of 1995 established colleges imparting para medical courses. In the year 2002, the Government of Andhra Pradesh permitted the petitioner to conduct two years Diploma courses. Subsequently, in the year 2004, number of seats for admission into the courses were increased and the petitioner society applied for two more courses i.e., General Sick

Nursing (3 years course) and 18 months Multipurpose Health Assistant (Female) Course. Since there was no sufficient space available to impart the said courses, the petitioner society made an application on 04.11.1997 requesting the respondent authorities to allot land to an extent of Ac.2.00 cents at Gopalapatnam Village, Visakhapatnam District. The then District Collector vide his letter dated 02.01.1998 directed the then Mandal Revenue Officer, Visakhapatnam (Rural) to take necessary action for allotment of land admeasuring Ac.1.00 cents in Sy.No.1/5 of Gopalapatnam Village. Thereafter, the petitioner society made a representation dated 02.12.2014 before the 4th respondent, i.e., 5 to 6 years later, seeking allotment of land. Inaction on the part of the 4th respondent lead to filing of this writ petition.

4. Learned Government Pleader for Revenue filed counter stating that the land admeasuring Ac.2.19 cents in Sy.No.1/5 of Gopalapatnam Village is classified as burial ground. Out of total extent, part of the land is covered by compound wall, which is being utilized for burial ground and some part of the land covered by under ground drainage pump house. The eastern side of the said land was covered by natural Gedda, and part of the land was covered by 80 feet VUDA Master Plan Road, while the remaining land is built up area covered by residential houses. It is further stated that Gopalapatnam Village falls within the urban limits and the land in Sy.No.1/5 is prohibited from alienation to any institutions, as it is a notified Communal Property vested with local bodies.

5. In view of the counter filed by the learned Government Pleader, learned counsel for the petitioner submits that at least an alternate site may be allotted to the petitioner society for establishing and running the institutions.

6. In view of the averments in the counter, which are not specifically denied by the learned counsel for the petitioner, this Court is of the view that question of considering the request of the petitioner for allotment of the land would not arise. Hence, I am not inclined to accept the request of the petitioner seeking a direction to consider the representation made by the petitioner. However, if the petitioner is still in need of land, it can as well make a request before the appropriate authority seeking land elsewhere, in which event, the same shall be dealt with, in accordance with law.

7. Accordingly, the Writ Petition is disposed of.

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

JUSTICE C. PRAVEEN KUMAR

Date: 17.11.2016

Note: Furnish CC by next week

(B/O)

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