

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT

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Public Interest Litigation No. 321 of 2015

Date:18.1.2016

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Between:

Dr. Chinta Mohan,
Former MP (LS),
Tirupathi,
Chittoor District.

Petitioner

And

The Union of India,
Represented by its Secretary,
Ministry of Housing and Urban Poverty Alleviation,
New Delhi and others.

... Respondents

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PC:(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard Mr. P.S.P. Suresh Kumar, learned counsel for the petitioner; Mr. B. Narayan Reddy, learned Assistant Solicitor General for respondent No.1, Mr. K.K. Durga Prasad, learned Assistant Government Pleader for Municipal Administration for respondent No.2 and Mr. S.D. Goud, learned Standing Counsel for respondent No.4.

The petitioner, who is a former Member of Parliament (L.S.) seeks the following relief:

“For the reasons stated in the accompanying affidavit , it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction more particularly one in the nature of writ of mandamus declaring to order or direction more particularly in the nature of :-

a) Writ of Mandamus or any other Writ or order or direction declaring the action of Respondents in not constructing houses to the poor women living in slums of Tirupati Town under the Rajiv Awas Yojana project which was sanctioned by Respondent No.1 vide Office Memorandum dated 25.02.2014 as illegal, arbitrary, violation of principles of natural justice and violation of Articles 14,19 and 21 of the Constitution of India.

b) Consequently direct the Respondent to allot the houses to the eligible poor women residing in slums of Tirupati Town under the rehabilitation scheme initiated by the Government of India without any financial burden on the beneficiaries and thereby ensure protection of fundamental right of having shelter guaranteed under Article 19(1)(e) read with Article 21 of Constitution of India to the needy public.”

It is not in dispute that the Rajiv Awas Yojana Scheme has been abolished by the Government of India and a new Scheme, viz., Prime Minister Awas Yojana has been introduced and is presently in force. When the new Scheme was brought into force, the proposal under the old Scheme, for which, the instant P.I.L., has been filed, was not saved.

In view thereof, the relief sought in the present P.I.L., cannot be granted and the P.I.L. is accordingly dismissed.

This, however, shall not preclude the petitioner from approaching the concerned authorities for implementation of the new scheme, if he so desires.

Consequently, pending miscellaneous applications shall also stand closed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

18th January, 2016

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