

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.4228 of 2010

ORDER :

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

2. The 1st Petitioner-Society had filed this Writ Petition challenging the action of the respondents 3 & 4 and their staff in trying to evict the members of the without following due process of law in respect of house sites in survey Nos.672/2, 672/4 and 529 of Kollabailu village, Madanapalle Mandal, Chittoor District. It is further alleged that the 4th respondent had issued certificates to 64 members of the society allotting house sites vide proceedings No.A/696/2008, dt.17.08.2008.

3. 71 persons, who claim to be eligible for grant of house sites and who are members of the 1st petitioner-Society, had filed W.P.MP.No. 50078 of 2016 to implead themselves as petitioners in the Writ Petition and the same was allowed on 02.12.2016.

4. According to the counsel for petitioners, there were 145 members in the 1st petitioner-society and the society was previously known as “Bhagath Sing Chenetha Karmikula Sangam but later the words “Bhagath Sing” were dropped. He contends that originally this land belongs to an assignee from the Government and it was later purchased by the society, but the assignment in favour of the earlier assignee itself was cancelled on 03.02.2007. He contends that since the members of the 1st petitioner-society are poor persons, they ought to be granted land by the Government for house sites.

5. In the counter affidavit filed by the 4th respondent, it is stated that 70 members of the 1st petitioner-society were found eligible for assignment and he recommended to the District Collector, Chittoor on 05.05.2011 to grant them house site pattas and the list of 70 persons was also approved by the Municipal Commissioner, Madanapalle and also verified by the Revenue Inspector and Village Revenue Officer, B.K.Palle. It is further stated that due to the pendency of this Writ Petition as well as two other Writ Petitions No.1531 of 2011 and 40260 of 2014, action was not taken for delivering possession of the plots for construction of houses.

6. Having regard to the stand taken by the 4th respondent that 70 members of the 1st petitioner-society have been identified as eligible for grant of house site pattas, this Writ Petition is disposed of directing the respondents to allot house site pattas to 70 members of the 1st petitioner-Society found to be eligible as per the list mentioned in the counter affidavit of the 4th respondent without any further delay. There shall be no order as to costs.

7. Consequently, miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

M.S.RAMACHANDRA RAO, J

20th February, 2017.

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