

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.9639 OF 2017**

**ORDER:**

The case of the petitioners is that they are permanent residents and landless poor persons of Owk Village and Mandal of Kurnool district, consisting of 100 families and they made a representation to the Hon'ble Deputy Chief Minister, Government of Andhra Pradesh, on 30-01-2016 for grant of house site pattas from the land in Sy.Nos.839/D, 839/A1, A3 in an extent of Ac.18-00, situated at NTR Nagar Colony, Owk Village, Kurnool district.

2. The grievance of the petitioners is that 7<sup>th</sup> and 8<sup>th</sup> respondents, who are the Sarpanch and the Panchayat Secretary of the Owk Gram Panchayat, are trying to allot part of the land for construction of fish market complex and, therefore, seeks appropriate direction to the respondents to allot house sites to them from the subject land and for a consequential direction to the 7<sup>th</sup> and 8<sup>th</sup> respondents not to grant permission for establishment of fish market complex in the land in question.

3. Heard the learned counsel for the petitioners and the learned counsel for 8<sup>th</sup> respondent and the learned counsel for the impleaded 9<sup>th</sup> respondent.

4. Petitioners' counsel submits that the petitioners being landless poor persons are eligible for allotment of house sites, but the respondents are allotting part of the land in question for establishment of fish market complex. On the other hand, learned counsel for the 8<sup>th</sup> respondent submits that there are 300 (Ganga Puthra) families living in the village and they have received a requisition dated 06-09-2016 from the Deputy Director of Fisheries, Kurnool, requesting the Gram Panchayat to allot the land admeasuring 10 to 15 cents for construction of retail fish market complex in major Gram Panchayat and on receipt of the same, the Gram Panchayat passed a resolution dated 10-09-02016 approving the requisition of the Fisheries department, pursuant thereto, the Government sanctioned funds and the District Collector also accorded administrative sanction vide letter dated 03-10-2016 and the construction of retail fish market complex is in progress.

5. It is seen that petitioners made representation on 30-01-2017 to the Hon'ble Deputy Chief Minister, Government of Andhra Pradesh, for grant of house sites to them and it is stated that the Hon'ble Deputy Chief Minister endorsed on it to examine the matter. Except this, the petitioners have not produced any order of allotment nor any proceedings of the authorities proposing to allot the land in question in their favour. In this writ petition, the petitioners seek for a direction to the respondent-authorities to prevent the construction of retail fish market complex without any right, muchless any indefeasible right accrued in their favour in respect of the land in question. In the counter filed by the 8<sup>th</sup> respondent-Panchayat Secretary of Owk village, it is stated that only 10 to 15 cents of land from the land in question is allotted for the benefit of 300 families of (Ganga Puthra) and the work already started with the funds sanctioned by the Government. As on today there is no allotment in favour of petitioners. In the circumstances, the petitioners cannot stall the allotment of the land and construction of the retail market complex which is approved by the Owk Gram Panchayat and the Government has also

sanctioned the funds for construction of the complex which is also going to benefit 300 families of (Ganga Puthra).

6. The writ petition fails and it is accordingly dismissed.

No order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

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**A.RAJASHEKER REDDY, J**

Dated: 11-04-2017  
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