

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.35385 of 2013

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for respondents.

2. Writ Petition has been filed by the petitioner stating that he was originally assigned Ac.3.00 gts of land in Sy. No.155, Jukkal village and Mandal, Nizamabad District on 09-02-1970; it came to be submerged in a tank, that subsequently another extent of Ac.3.10 gts in Sy. No.155/1 was assigned to him on 20-04-1994; but unfortunately the land was not localized and the possession was not delivered to him. He contends that though survey was done in the year 2008, the respondents failed to fix the boundary and hand over the assigned land to the petitioner.

3. Learned Government Pleader for Revenue appearing for respondents states that the survey conducted to identify the petitioner's land could not trace the petitioner's land on the ground and therefore it is not possible to deliver the land which was assigned to the petitioner in 1994.

4. It is unfortunate that the land which was assigned to the petitioner on 20-04-1994 could not be identified on the ground by the revenue officials and delivery of the said land could not be affected till date. It is also not in dispute that he was earlier assigned

Ac.3.00 gts of land which came to be submerged. Petitioner is already a senior citizen and grave prejudice has been caused to the petitioner by the action of the respondents in not assigning land to him which he could enjoy.

5. Therefore, the Writ Petition is allowed and the respondents are directed to consider and allot the land equivalent to Ac.3.10 gts which had been assigned on 20-04-1994 without any further undue delay, preferably, within three months from the date of receipt of a copy of this order. This shall be subject to the petitioner giving consent letter to 1st respondent indicating his willingness to take this extent of land elsewhere instead of land in Sy. No.155/1 of Jukkal village and Mandal, Nizamabad District. No costs.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27-04-2016

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