

*THE HON'BLE SRI JUSTICE P. NAVEEN RAO*

WRIT PETITION No.29736 of 2017

Dated 11.09.2017

Between:

G.Shanthamma, W/o. G.Malles, Age 55 years,  
Occu: Housewife, R/o. H.No.11-2-439, Subhash  
Chandra Bose Nagar, Sithaphalmandi,  
Secunderabad and others.

...Petitioners

AND

The State of Telangana represented by its Principal  
Secretary, Revenue Department, Secretariat,  
Hyderabad and others.

.. Respondents



The Court made the following:

*THE HON'BLE SRI JUSTICE P.NAVEEN RAO*

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ORDER:

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Telangana) appearing for respondents. With their consent the writ petition is disposed of at the admission stage itself.

2. Petitioners claim that they are residents of Subhash Chandra Bose Nagar in Seethaphalmandi, Secunderabad, which, even according to them, is classified as slum area. Petitioners claim that they have been living in the said area for several decades and they were also granted house pattas to an extent of 20 square yards each in the year 1996. After granting of pattas, they have constructed houses and living in those houses. According to the petitioners, most of them are labour class. While so, the Mandal Revenue Officer of the area visited the locality and informed the petitioners that the Government intend to construct multi-storeyed building (apartment) comprising of two bedroom flats in the said locality by removing the existing structures. Petitioners seem to be having a grievance with reference to parameters, which opted for allotment of two bedroom flats. According to the petitioners, 29 families living in the locality were identified by the Government to extend the scheme of construction of two bedroom flats. According to the petitioners, in many of the houses, the family has grown and there are more than two or three

married couples living under the same roof. Therefore, allotment of two bedroom flat would not meet the requirement and they require larger space. According to the petitioners, they are happy with whatever accommodation already available to them and they need not accept the construction of apartment consisting of two bedroom flats and allotment to them and they cannot be compelled to give way to such construction proposed by the respondent authorities.

3. According to the learned Assistant Government Pleader, as per the instructions furnished by the Tahsildar, Musheerabad Tahsil, Subhash Chandra Bose Nagar is one of the identified slums for construction of two bedroom flats by providing better civic amenities. According to the Tahsildar, the existing houses are constructed in 10 square yards/20 square yards without drainage facilities, proper roads, and proper electricity facilities, and way for proper commutation etc. According to the revenue records TS.N.3/P, 25, 14/p of Block- C & F, Ward No.141 of Zamisthanpur Village with an extent of 1394.59 square yards was classified as "Hindu Grave Yard-G" and patta land. According to Tahsildar, Government of Telangana introduced 2BHK programme for the households living in the slums, whereunder, 2BHK flats would be constructed and possession certificates would be issued to them. For the purpose of identifying the eligibility, socio-economic survey was conducted basing on the functional units existing in the slum. In the said survey in the colony, 29 dwelling units were identified, which were approximately in 10-25 square yards each and accordingly, 29 beneficiaries were identified and possession certificates were prepared. On the objections filed by the petitioners, again socio-

economic survey was conducted, whereunder major sons and daughters, who were married holding household cards, were also considered, accordingly totally 40 2BHK flats were proposed. 21 out of 29 households vacated giving consent for removal of the existing structures and construction of 2BHK flats.

4. According to the learned Assistant Government Pleader, in the re-survey conducted, the 1<sup>st</sup> petitioner was identified as eligible for allotment of 3 2BHK flats and out of 10 petitioners, 4 of them do not belong to the Subhash Chandra Bose Colony and rest of them are identified as per eligibility.

5. On a specific question posed to the learned counsel for the petitioners, he could not disclose that the land in which the houses were constructed by the petitioners was private patta land and they were assigned patta long ago. It is also not disputed that this is a slum area and all slums are required to be developed with proper civic amenities, so that the persons living in those areas will not be affected by various problems on account of lack of drainage facilities, roads, electricity etc. The object of the State Government appears to be to provide better living conditions to these people. It appears out of 29 identified, 21 families have already agreed and handed over possession and any delay in the process of handing over possession by the rest of the people would cause greater hardship to those persons, who have already handed over possession. It is seen, as stated by the learned Assistant Government Pleader, the 1<sup>st</sup> petitioner is granted 3 2BHK houses taking note of the expanded family and 4 out of remaining 9

are even not belong to the locality. This fact is also not denied by the learned counsel for the petitioners. This leaves 5 persons, who have grievance with reference to the allotment of number of flats and according to the learned counsel for the petitioners, petitioners are entitled to more number of apartments than what is offered to them.

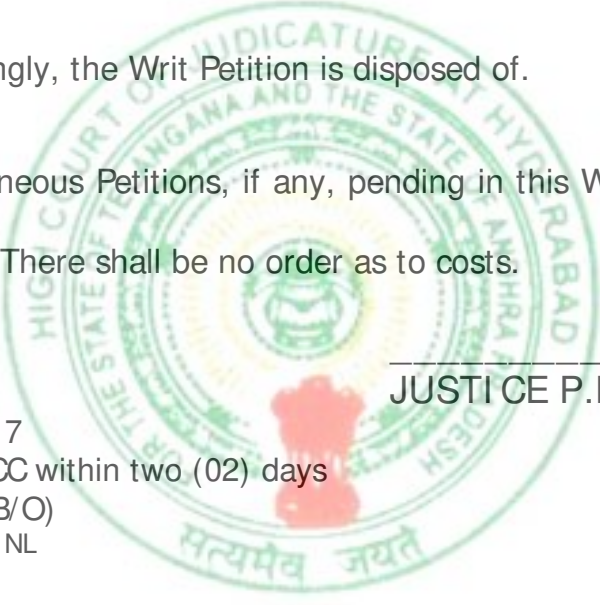
6. This means primarily there is no serious objection on development of facilities and construction of proper housing colony, but the grievance appears to be the number of apartments sought to be allotted to them. As seen from the instructions furnished to the learned Government Pleader, in 2 or 3 socio-economic surveys conducted, though officially 29 families were identified for allotment of 2BHK flats, the allotment of 2 BHK flats to the beneficiaries identified is extended to 40. Thus, if the petitioners are actually the residents of the Subhash Chandra Bose Nagar slum area and if the petitioners have any grievance on allotment of further 2BHK houses, it is open to the petitioners to make a representation to the Tahsildar with supporting documents and persuade the Tahsildar to grant them more 2BHK flats than what is actually sought to be allotted to them. It is also open to the Non-Residents to persuade the authorities to provide the allotment of 2 BHK flats, if they are otherwise entitled to.

7. At this stage, learned counsel for the petitioners fairly submits that the petitioners would be willing to vacate and hand over the possession of subject land, however, learned counsel states that on submission of an application by the petitioners, the Tahsildar shall consider their request and take suitable decision.

8. Petitioners are granted liberty to make applications within a week from today to the Tahsildar, Musheerabad Mandal, and on submission of such applications, the Tahsildar shall consider and take appropriate decision as warranted by law within two (02) weeks thereafter. Along with the said application, petitioners shall also file an undertaking to vacate the subject premises occupied by them as expeditiously as possible preferably within two (02) weeks from today or before a decision is taken by the Tahsildar on the request made by the petitioners, whichever is earlier.

9. Accordingly, the Writ Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.



JUSTICE P.NAVEEN RAO

Date:11.09.2017

Note: Furnish CC within two (02) days

(B/O)  
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