

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE MS. JUSTICE J.UMA DEVI

WRIT APPEAL No.1311 of 2017

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under clause 15 of the Letters Patent, is preferred against the order passed by the learned single Judge in Writ Petition No.24962 of 2016 dated 27.07.2017. The appellants herein are the petitioners in the Writ Petition wherein they sought a Mandamus to declare the action of the respondents, in not delivering possession of the lands by executing a sale deed in respect of the land admeasuring 180 square yards in plot No.9, Block No.25, Autonagar, Hyderabad as per the proceedings in letter dated 10.07.1983, as illegal and arbitrary. A consequential direction is sought to the respondents to execute a sale deed in favour of the petitioners in respect of the land admeasuring 180 square yards in plot No.9, Block No.25, Autonagar, Hyderabad.

The 1st petitioner's husband is said to have paid Rs.1991.04 as initial payment for allotment of plot No.9, Block No.25, Autonagar, Hyderabad, to set up an automobile repairing workshop. The total cost of the plot was fixed as Rs.3380/-. A conditional allotment order was passed informing the 1st petitioner's husband of the need to comply with certain conditions which included payment of entire cost of Rs.3,880/- on or before 01.08.1983. On the ground that the 1st petitioner's husband failed to make payment of the differential cost

of the land, the allotment is said to have been cancelled by order dated 16.01.1984. While the allottee died on 17.02.2009, no action appears to have been taken either by him or his heirs, after cancellation of the assignment on 16.01.1984. While the petitioners claim ignorance of any such cancellation, the fact remains that, even from the date of allotment i.e., 23.04.1983, more than three decades elapsed by the time the petitioners filed the subject writ petition in the year 2016.

Sri P.V.N.Kiran Kumar, learned Counsel for the petitioners, would draw our attention to several letters, under the Right to Information Act, to contend that, in none of these proceedings, is there any reference to cancellation of the allotment order; and, on the other hand, the respondents themselves sought information from the petitioners. Sri L.Prabhakar Reddy, learned Standing Counsel for TSIIC appearing for the respondents, would submit that answers were furnished, under the Right to Information Act, to specific questions; and as the petitioners had not sought information regarding cancellation of the allotment on 16.01.1984, no answers could have been furnished regarding cancellation of the allotment.

Reliance placed, on behalf of the petitioners, on the proceedings dated 21.09.2015, is also of no avail as calling for certain original documents, including photocopies of the approved building plan, first sales invoice, power release certificate etc., does not confer any right on the petitioners to claim that they are entitled to be allotted the subject land, or that the sale agreement should be

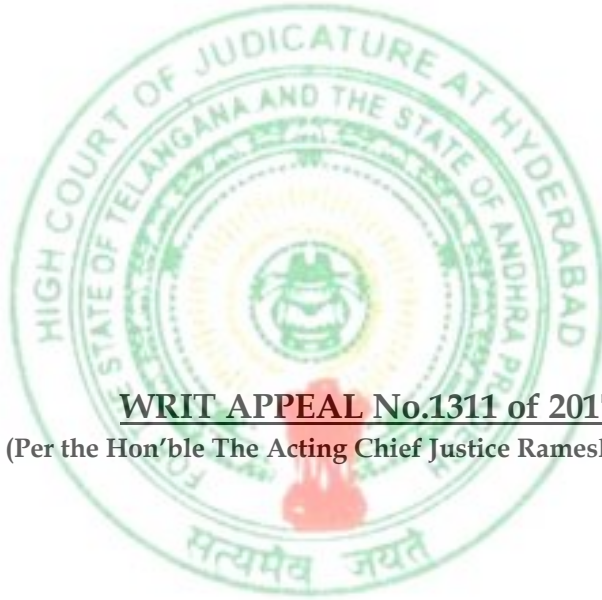
executed, even though they had failed to comply with the conditions of allotment earlier. All that is stated in the reply-affidavit, filed by the petitioners, is that the order of cancellation has not been communicated to them. Even if that be so, there is no explanation forthcoming for the inordinate delay, of more than three decades, in their invoking the jurisdiction of this Court from the date of initial allotment. In any event, it cannot be said that the order under appeal has caused substantial prejudice to the petitioners, as they have merely been relegated to the remedy of filing a civil suit before the competent Civil Court. Suffice it to make it clear that, in case the petitioners avail the remedy of filing a civil suit, the competent Civil Court shall examine their claim on its merits uninfluenced by any observations made either in the order under appeal or in the order now passed by us.

Subject to the aforesaid observations, we see no reason to interfere with the order under appeal. The Writ Appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

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11.09.2017

Gsn/Kr

