

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.9870 of 2005

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking to declare the action of respondents in not granting house site pattas to petitioners even after payment of developmental charges, as illegal and arbitrary.

The facts leading to filing of the writ petition, are as follows:

Petitioners are the occupants of lands in survey Nos. 118 and 64 situated at Kothapet Village, Sirupur Kagaznagar Mandal, Adilabad District. The said land along with the land in adjacent survey numbers belong to R-4 M/s.Sirpur Paper Mills Ltd. The government vide GO Ms.No.126 dated 12.02.1999 accorded permission to R-4, under Section 20 (1) (b) of Land (Ceiling and Regulation) Act, 1976 to sell an extent of land admeasuring Acs.5-02 guntas in plot No.41, Industrial Development Area, Balanagar, Hyderabad, to other industries and in turn R-4 has to relinquish Acs.73-04 guntas of land in Kothapet Village for issuing pattas to the encroachers. In pursuance to said GO, the Mandal Revenue Officer, Kagazhnagar Mandal, prepared a list of beneficiaries, who were in possession of small extents of land, and the same was sent to concerned Municipal Ward Councilors so as to inform the beneficiaries to obtain the house site pattas, duly paying the developmental charges. Accordingly, the Municipal Ward Councilor of the petitioners by name Mittapally Chandramouli, informed the same to petitioners and other beneficiaries. Pursuant thereto, the petitioners along with other beneficiaries paid the developmental charges by way of individual challans in the month of March, 2005.

The grievance of the petitioners is that though the cases of the other beneficiaries, for grant of house site pattas were considered, the petitioners were neither issued with house site pattas nor furnished any information in that regard. Aggrieved by the inaction of the authorities, the present Writ Petition came to be filed.

On 08.06.2015, while admitting the Writ Petition, this Court gave a direction for disposal of the representation made by the petitioners. WVMP No.2650 of 2005 came to be filed seeking to vacate the interim order passed by this Court on 08.06.2015, which was dismissed on 18.06.2008.

Heard the learned counsel for the petitioners, the learned Assistant Government Pleader for Revenue for official respondents and Sri Vedula Srinivas, learned counsel for R-4.

The main ground urged by the learned counsel for the petitioners is that though the names of the petitioners were shown in the beneficiaries list, but for the reasons best known to the authorities, the request of petitioners for regularization was not considered by the government till date, even after payment of departmental charges.

Learned AGP would submit that the authorities never demanded the petitioners to pay any amounts, but the petitioners on their own accord, paid the charges. He further submits that in view of the objection raised by the fourth respondent, the applications of the petitioners are kept pending.

It is also to be noted here that though the learned counsel for the petitioners states that the respondents are interfering with the

possession of the petitioners over the subject lands, the same is denied by the learned AGP.

Having regard to the above facts, the writ petition is disposed of directing the 3rd respondent-Mandal Revenue Officer, to deal with the representations said to have been made by the petitioners and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing, as early as possible preferably within a period of four to six weeks from the date of receipt of a copy of this order.

Miscellaneous petitions pending in this petition, if any, shall stand closed. No costs.

21.08.2017
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JUSTICE C. PRAVEEN KUMAR

