

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6190 OF 2006

Date 25.07.2017

Between:
G.Vijaya Kumari.

... Petitioner

AND

The Visakhapatnam Steel Plant, rep. by the Special
Grade Deputy Collector, Land Acquisition Steel Plant,
Visakhapatnam and others.

.....Respondents



HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6190 of 2006

ORDER:

Petitioner claims to be a displaced person, whose land and house was acquired for the purpose of Visakhapatnam Steel Plant, and was allotted Ac.0.25 cents in green belt area in Sy.No.36 (part), Vadlapudi Rehabilitation Colony (adjacent to NH-5), Gajuwaka, Visakhapatnam for running nursery, and was handed over possession. Petitioner alleges that as similarly situated displaced persons were allotted land on payment of market value, vide proceedings in R.C.No.420/97/B dated 07.09.1997, she made representation seeking allotment in her favour. Despite repeated representations, no action has been taken. Hence the writ petition to pass similar orders, as was passed in W.P.No.1408 of 2005 dated 03.02.2005, directing the Visakhapatnam Steel Plant to consider the representation of the petitioner and allot land on payment of market value.

In the counter filed by respondent No.1 (Visakhapatnam Steel Plant, Rep. by Special Grade Deputy Collector, Land Acquisition Steel Plant, Visakhapatnam), it is stated that petitioner is nominee of R.Card holder No.759 of Smt Godi Subbamma W/o.Vadapalli, Vadlapudi Village; her request to run nursery was considered vide proceedings dated 24.09.1994 subject to the condition of using land

only for nursery; if the land is put to use other than for nursery, allotment would be cancelled without notice; allottee should vacate land as and when it is required for any public purpose; and allottee has no right to transfer land either by lease or sub-lease or sale and allotment is purely temporary for growing nursery; and, as the conditions are violated, allotment was cancelled, vide proceedings dated 18.08.1996, and possession was resumed. It is further asserted that the case of petitioner in W.P.No.1408 of 2005 was considered and his request, for allotment of land at market value, was rejected vide proceedings dated 31.08.2006.

Heard the counsel on record.

Having considered the respective submissions, it may be noted that the relief claimed is to consider her representation on par with similarly situated person viz. petitioner in W.P.No.1408 of 2005. In the counter affidavit filed by the respondent – Visakhapatnam Steel Plant, it is categorically asserted that petitioner was not even in possession as on 1999. Petitioner's case has since been rejected stating that there is no possibility of granting land to oustees of the Steel Plant, and the categorical stand taken by the respondents is not rebutted by filing reply affidavit or by any material contrary to the same, nothing survives for consideration.

The Writ Petition fails and is, accordingly, dismissed.

Miscellaneous petitions pending, if any, in the writ petitions shall stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 25.07.2017
usd

