

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13713 OF 2010

ORDER :

This writ petition is filed seeking writ of mandamus declaring the inaction of the respondents in not issuing the final patta and title deed in favour of the petitioner as illegal and arbitrary and consequently to direct the respondents to issue final patta and title deed in respect of Ac.4.30 gts in Sy.No.779, Bancharai of Sultanabad village and Mandal, Karimnagar District.

2. It is the case of the petitioner that the father of the petitioner is Ex-serviceman. Basing on the representation and directions of this Court in WP No.13245 of 2003 dated 08.07.2003 and also basing on the recommendations of the Mandal Revenue Officer, Sultanabad, the RDO, Peddapally-2nd respondent issued proceedings No.G/370/2002, dated 02.09.2004 allotting the land of Ac.4.30 gts in Sy.No.779 Bancharai of Sultanabad village and Mandal, Karimnagar District to the legal heirs of the E.J.Robert Ex-serviceman i.e., father of the petitioner. The father of the petitioner died on 03.11.2002. Though the petitioner made several representations for grant of final patta, the respondents have not passed any orders on the same. Aggrieved by the same, present writ petition is filed.

3. Counter affidavit is filed by the 3rd respondent along with vacate Stay Petition stating that the subject land was given to the father of the petitioner for agriculture purpose on eksala Patta in the year 1980 vide proceedings No.B1/2483/1980, dated

.08.1980. Thereafter, it was not renewed or extended for further period and the father of the petitioner is not in enjoyment over the land since 1981 onwards. He died on 03.11.2002. That the father of the petitioner filed petitions for assignment of the subject land in his favour in Ex-servicemen category and it was under enquiry. Basing on the directions of this Court in WP No.13245 of 2003 dated 08.07.2003, the 3rd respondent submitted proposals for deletion of Acs.4.30 gts of Government Bancharai land from out of Sy.No.779 and the RDO-2nd respondent vide proceedings No.G/370/2002, dated 02.09.2003 has sanctioned excision in this matter and same was sent to the Assignment Committee vide proceedings No.B/3946/2003, dated 25.12.2003. That in view of imposition of ban on assignment of Government land at Mandal Head-quarters by the Government, the assignment in favour of the petitioner could not be considered. It is stated that as per the enquiry conducted by the Tahsildar on 24.05.2010, the petitioner is not in possession of the subject land. It is stated that basing on the recommendation No.17 of the Committee formed by the Government headed by Koneru Rangarao, any Government land existing within 2 KMs of the peripheral area of Mandal Head Quarters shall be entered in POB register and it will be reserved for public purpose. That the Government land in Sy.No.779 was entered in POB register and it cannot be assigned for agricultural purpose. It is stated that the Government had issued instructions to identify suitable Government land for construction of Model School (Rashtriya Madhyamika Shiksha Abhiyan) (RMSA) under Economically Backward Block Mandals and

proposals to an extent of Acs.5.00 of land in Sy.No.779 had been submitted to the higher authorities.

4. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

5. Learned counsel for the petitioner submits that in fact the 2nd respondent has allotted the land, but the 3rd respondent is not issuing final patta certificate, though the petitioner's father is Ex-serviceman.

6. In this case, it is a fact that 'eksala' patta has been granted in favour of the father of the petitioner in the year 1980 and same is also reiterated in the counter affidavit of the 3rd respondent. However, the said patta was not renewed subsequently in favour of the father of the petitioner. In the counter affidavit, it is also admitted that basing on the orders of this Court in WP No.13245 of 2003, dated 08.07.2003, proposals were submitted by the 3rd respondent to the 2nd respondent and the 2nd respondent passed allotment order and same was sent for Assignment Committee formed by the Government. But, in view of the imposition of ban on assignment of Government land at Mandal Head-quarters on the recommendation of Assignment Committee headed by Koneru Rangarao, the assignment in favour of the petitioner could not be considered. The writ petitioner cannot seek writ of mandamus for allotment of Government land when there is a ban of allotment of subject land. However, the fact remains that the petitioner's father was Ex-Serviceman and recommendation was made for allotment of land.

In view of the facts and circumstances, it is open for the petitioner to make fresh application within a period of eight weeks from today, for assignment of any other land available. As and when such application is made, the 2nd and 3rd respondents shall consider the same in accordance with law and pass appropriate orders.

Accordingly, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, shall stand closed.

02.01.2017
kvs



A.RAJASHEKER REDDY, J

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