

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 31947 of 2011

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in proposing to finalize the list of Indiramma Housing Category-III of Vemulavalasa Village of Anandapuram Mandal, contrary to the Government Policy is arbitrary, bad and illegal and violative of principles of natural justice; and consequently direct the respondents to conduct Grama Sabha in the village and notify the genuine eligible candidates for the purpose of allotment of Indiramma houses.

2) The averments in the affidavit filed in support of the writ petition would show that respondents 2, 3 and 4 have allotted approximately 318 house sites in the Government land which is located within the limits of Vemulavalasa Gram Panchayat. As per the Government Orders, 5th respondent has to prepare a list of the persons, who are residing below the poverty line and the allottee shall not possess any own house. As per the scheme, the 5th respondent has to conduct a Grama Saba in the village and call for the application from the local poor people. It is alleged that respondent Nos.4 and 5 have colluded with each other and without conducting Grama Sabha prepared a list of beneficiaries. The petitioners, who are the ward members, have gone through the list prepared and their enquiries revealed that out of 318 beneficiaries, only 107 beneficiaries are genuine persons. After noticing the same, the petitioners got issued a legal notice on 12.11.2011, but the respondents failed to make any enquiry nor gave any reply. Hence, the writ petition.

3) By an order, dated 03.12.2011, this Court while issuing notice before admission, directed the 4th respondent to look into the grievance of the petitioners as ventilated in the legal notice dated 12.11.2011 and issue necessary directions with regard to allotment of category-3 houses under Indiramma Housing Scheme at Vemulavalasa village.

4) Subsequently, a counter came to be filed opposing the averments made in the affidavit filed in support of the writ petition. It is stated that as per the legal notice, out of 318 beneficiaries only 55 persons are eligible and the remaining are bogus and not genuine and as such demanded holding of Grama Sabha. It is stated that after obtaining the oral permission from the Revenue Divisional Officer, Visakhapatnam, three teams have been constituted for conducting re-enquiry into the genuineness of the beneficiaries. After finalizing the genuine beneficiaries in the re-enquiry, Housing Scheme under Category-III will be sanctioned to the eligible beneficiaries only. The process of re-enquiry will be completed within two months period. Meanwhile, the writ petitioners have filed the present writ petition and obtained interim orders.

5) Learned counsel for the petitioners submits that a legal notice dated 12.11.2011 came to be issued to the Tahsildar, bringing to his notice about the irregularities committed in preparing the list. In view of the above, it is urged that the authorities may be directed to consider the complaint before making final allocation/ allotment.

6) The Government Pleader for Revenue opposed the same reiterating the averments in the counter.

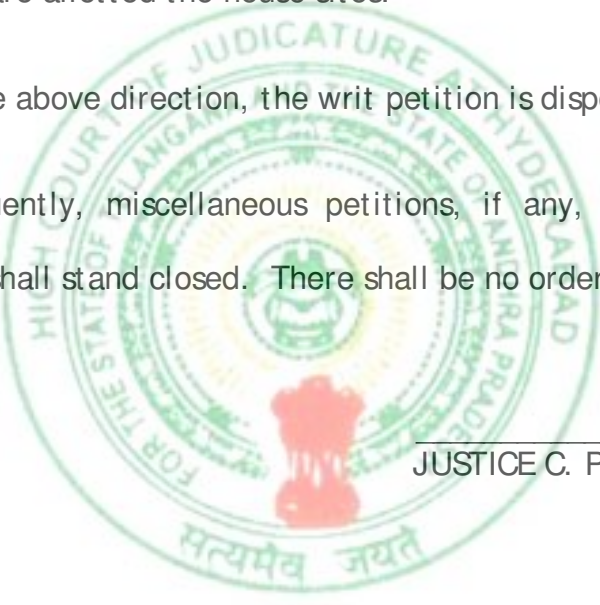
7) As seen from the record, by an order, dated 03.12.2011, this Court directed the 4th respondent, who is the Tahsildar, to look into the

grievance of the petitioners as per the legal notice dated 12.11.2011 and issue necessary directions with regard to the allotment of category-3 houses under Indiramma Housing Scheme at Vemulavalasa village. It is stated that the proceeding are now pending consideration before the Collector.

8) Since the matter is pending finalization before the Collector basing on the report submitted by the Tahsildar, the Collector concerned is directed to take into consideration the grievance of the petitioners on the issues, before finalizing the list, and see that genuine beneficiaries are allotted the house sites.

9) With the above direction, the writ petition is disposed of.

10) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.



JUSTICE C. PRAVEEN KUMAR

20.02.2017
gkv