

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.261 of 2012

ORDER:

Heard Mr. K. Sri Muralikrishna for petitioners, the Assistant Government Pleader (Land Acquisition) for 1st respondent and Mr. K. Sarva Bhouma Rao for 2nd respondent.

2. The petitioners, by invoking the jurisdiction of this court under Article 226 of the Constitution of India, pursues the legal remedy against the Proceedings Rc.No.33/ 2008/ R.1 dated 29.04.2008 and consequential proceedings Rc.No.677/ 2010/ S.A dated 10.12.2010, more specifically by referring to violation of principles of natural justice and denial of fair and reasonable opportunity of hearing by 1st respondent before issuing proceedings, impugned in the writ petition.

3. The State Government, as part of either relief or rehabilitation to displaced persons at the time of establishment of Steel Plant, along with a few other benefits, issued rehabilitation cards, popularly known as 'R.card'. There are definite set of guidelines and eligibility criteria prescribed for securing firstly R.card and thereafter the benefits to which a person is entitled to under R.card. The State Government realised that R.cards are misused by fraudulent means. Therefore from time to instructions are issued to streamline the use of R.cards

4. The Assistant Government Pleader places on record, G.O.Rt. No.697, Industries & Commerce (SP) Department, dated 20.06.1986 issued by the State Government, constituting committees exclusively to deal with false or bogus R.cards and confine the list only to genuine R.card holders.

5. Mr. K. Sri Murali Krishna by placing reliance on the very Government Order relied by 1st respondent, contends that the proceedings cannot stand to judicial scrutiny and will have to be set aside as violative of principles of natural justice and opportunity to petitioners is denied.

6. The contention is merely noted to be rejected. The reasons for rejection are stated thus:

From the proceedings, it is evident that the petitioners, as against entitlement of one R.card, have taken R.cards 120 and 447, resulting in taking house plots in i.e., on is 527 in Sector-II and another is 533 in Sector-I. The 1st respondent, after making preliminary enquiry and on being satisfied that petitioners are not entitled to retain both the cards, but retain one R.card and cancelled the other. At this stage of the matter, I find it useful to rely upon the procedure stipulated by Government for regularising of R.cards, which reads as follows:

“..When once all the 14,000 cards are scrutinised and the 4 categories of doubtful cases are sorted out the 2 Deputy Collectors who are the members of the Teams constituted by the G.O. will take up thorough verification if need be by local enquiry and then decide whether they are having bogus cards or genuine cards. After completing the thorough verification the committee will issue a proceedings giving the list of bogus cards indicating the ‘R’ card number, name of the bogus card holder and with a ground on which the card has been decided as bogus card. The proceedings will also mention that the aggrieved persons can go on an appeal before the Joint Collector whose decision will be final. Such proceedings should be served on every person who has been declared as bogus card by the office of the Special Officer, Steel Plant. The aggrieved persons can appeal before the Joint Collector within 30 days from the date of the receipt of the proceedings by the Committee. The Committee will have to submit all the bogus ‘R’ cards, the connected documents related upon and oral evidence are used

in the verification to the Joint Collector to enable him to dispose the appeals filed if any. The Joint Collector will dispose the appeals within one month. Then the Special Officer, Steel Plant will issue final proceedings cancelling the bogus cards. The copies of such list will be communicated to the Visakhapatnam Steel Project.”

7. The contention of Mr. K. Sri Muralikrishna is that the proceedings are issued without following principles of natural justice or affording opportunity to petitioners and therefore, proceedings are liable to be set aside. This court is of the view that the abstract application of principles of natural justice or accepting the contention that an order is passed without affording fair and reasonable opportunity is not the purpose of these principles. The circumstances of the case are that the petitioners either by fair means or otherwise have received more benefit than to which they are entitled to. If this court accepts the contention of petitioners and sets aside the proceedings impugned in the writ petition, then it virtually amounts to giving life and right to an R card, which is otherwise unsustainable in the facts and circumstances of the case. Therefore, this court even after taking note of the fact that petitioners are not put on notice, on that ground alone, is not inclined to exercise its discretion or jurisdiction to set aside the proceedings impugned in this writ petition. This cannot be the conclusion in this order, for G.O.Rt.No.697 dated 20.06.1986 provides a detailed mechanism to redress grievances. Therefore, in the case on hand by treating the proceedings in the writ petition as declaration by the authority for recalling R card, the petitioners can be given liberty to file an appeal within 30 days from today before the Joint Collector, Visakhapatnam and the Joint Collector, Visakhapatnam directed to call for the record and dispose of the appeal within a further period of two months.

8. By granting the liberty as referred to above, the writ petition is dismissed. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 29.08.2017
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S. V. BHATT, J



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