

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.26215 OF 2009

ORDER:

This Writ Petition is filed to declare the order passed by the first respondent, in proceedings dated 23.02.2009 as arbitrary, and illegal.

By the said order, the District Collector, Chittoor directed the Tahsildar, Chandragiri Mandal to implement the orders of change in the nature of the land, and incorporate the same in the records. The petitioners' complaint is that an irrigation canal, which is the source of water for all the villagers including the petitioners, was sought to be converted as house sites for grant of house site pattas under the Indiramma Housing Scheme. The petitioners earlier invoked the jurisdiction of this Court by filing W.P. No.22093 of 2009 and, during the pendency of the said Writ Petition, they came to know that the District Collector had passed proceedings dated 23.02.2009. They filed the present Writ Petition questioning its validity. While the Writ Petition was admitted on 02.12.2009, no interim order was passed therein.

As there was no order, disabling the respondents from constructing houses under the Indiramma Housing Scheme, I asked Sri P. Gangarami Reddy, Learned Counsel for the petitioner, whether the cause in the Writ Petition survived necessitating its adjudication. Learned Counsel would submit that the canal remains as it is, and no houses have been constructed thereupon till date. Reliance is placed by the Learned Counsel on Board Standing Order 15(4) to submit that neither can lands in irrigation canals be assigned nor can they be utilized for construction of houses. Learned Counsel would also submit

that the petitioner has filed detailed objections to the conversion of the irrigation canal as house sites. No counter-affidavit has been filed by the respondents, in the Writ Petition, till date. Learned Government Pleader for Revenue is also not present in Court.

As Sri P. Gangarami Reddy, Learned Counsel for the petitioner, states that no construction has been raised on the subject land till date, it is but appropriate that the petitioner is permitted to submit their objections to the District Collector, Chittoor, regarding conversion of the irrigation canal as house sites or for construction of houses under the Indiramma Housing Scheme. If any such representation is made within two weeks from today, the District Collector shall consider the same, and pass orders thereupon in accordance with law, within two months thereafter. Needless to state that, in case the petitioner fails to submit their objections within the aforesaid period of two weeks, it would then be open to the District Collector to implement the earlier proceedings dated 23.02.2009 in accordance with law.

The Writ Petition stands disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 06.10.2017

MRKR