

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.4508 OF 2011

ORDER:

The relief sought for in the Writ Petition is to declare the inaction of the District Collector, Visakhapatnam, in failing to consider the petitioner's representation dated 06.07.2009 for grant of house site pattas in Ward No.70 of Chinamushidivada village, Pendurthi Mandal, Visakhapatnam District as illegal, contrary to the provisions of BSO.21, and in violation of Articles 14 and 21 of the Constitution of India.

The petitioner claims to have submitted a representation dated 06.07.2009 to the District Collector for grant of house site pattas. He also claims to have submitted a representation to the Chief Minister and to the Minister, which he contends was forwarded to the District Collector, wherein he claimed that all the petitioners were entitled for grant of house site patas under Board Standing Order 21; and the respondents should be directed to consider grant of house site pattas to the petitioner.

The question whether house site pattas should be granted in Government land and, if so, the manner in which such pattas should be granted, are for the respondent officials to decide in accordance with law. It would be wholly inappropriate for this Court to issue a mandamus directing the respondents to grant house site patta to the petitioners herein merely because they have invoked the jurisdiction of this Court. No such relief can be granted in proceedings under Article 226 of the Constitution of India.

Suffice it to make it clear that the order now passed by this Court shall not disable the respondents to consider the petitioner's representation, if they so choose, 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: 15.12.2017.
MRKR

