

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2731 OF 2006

ORDER:

Initially, this Writ Petition is filed complaining inaction on the part of the respondents with respect to providing vacant house plots in terms of the policy of the Government to provide house sites in favour of the persons, whose properties are submerged in the Sriram Sagar Project.

2) It is the contention of the petitioners that, as a matter of fact, the respondents have recognised their entitlement as is evident from the letters dated 20.02.2002 and 27.11.2002 of the 1st respondent-Special Collector (Land Acquisition) Sriram Sagar Project, Hyderabad, addressed to the 2nd respondent-Special Deputy Collector, Land Acquisition cum LOC Unit, Sriramsagar project, Pochampadu. Thereafter, a counter affidavit has been filed categorically denying the contentions of the petitioners and further it was placed on record that the claim of the petitioners came to be rejected by the 2nd respondent vide Memo dated 06.03.2006 on the ground petitioners are not eligible persons and the plots meant for displaced families cannot be allotted to other persons those lands and houses are not submerged under Sriram Sagar Project.

3) Petitioners filed amendment petition vide W.P.M.P. No.8923 of 2006 to include challenge to the proceedings dated 06.03.2006 of the 2nd respondent.

4) It is the contention of the learned counsel for the petitioners Sri L.Prabhakar Reddy that the eligibility of the petitioners is not in dispute as is evident from the recommendation of the 1st

respondent-Special Collector to the 2nd respondent-Special Deputy Collector. It is further contended that the respondents while rejecting the claim of the petitioners did not cause any inquiry and not issued any notice to the petitioners to place any material before the authorities.

5) Learned Government Pleader opposes the Writ Petition and submitted that as a matter of fact, the petitioners are not eligible and the same is reflected in the impugned proceedings dated 06.03.2006 rejecting the claim of the petitioners. Learned Government Pleader also would further submit that the scheme of providing house sites is limited to the displaced persons, who had lost their land and house properties in the submersion of Sriram Sagar Project and not with respect to the individuals whose lands or houses were not acquired for the purpose of project. As the petitioners had not placed any material before the authorities the petitioners claim cannot be acceded to, is the contention of the learned Government Pleader.

6) Heard both the learned counsel and perused the record. A close reading of the two documents, on which reliance has been placed by the learned counsel for the petitioners, disclose that the 1st respondent-Special Collector merely forwarded the claim of the petitioners for consideration as the petitioners appeared to have approached the Member of Parliament, who in turn forwarded the same to the Special Collector. In both the proceedings referred to, there is no determination as such of the eligibility or otherwise of the petitioners' claim. In those circumstances, the said two letters do not help the petitioners in any manner. Though the petitioners

had filed an amendment petition seeking to include the challenge to the proceedings dated 06.03.2006 of the 2nd respondent, in the entire affidavit except stating that the petitioners had not been given an opportunity and no inquiry has been conducted, there is no assertion on the part of the petitioners that any of the properties either landed or house properties have been submerged in the Sri Ram Sagar Project. This Court is also not able to accept the contention of the learned counsel for the petitioners that the impugned memo does not contain any reasons as it is categorically stated in the impugned memo itself that the claim of the petitioners has been rejected on account of their non-fulfilling of the eligibility criteria i.e., the aspect of losing of houses and land on account of submersion in the Sriram Sagar Project. In the circumstances, the petitioners have not placed any material before this Court even *prima facie* to satisfy that their case requires to be considered, I am unable to accept the request of the learned counsel for the petitioners for remand of the matter, especially considering the fact that this Sriram Sagar Project is relating to the year 1969, no useful purpose would be served by remand.

- 7) Accordingly, the Writ Petition is dismissed. No costs.
- 8) Consequently, the Miscellaneous Petitions, if any pending, shall also stand closed.

CHALLA KODANDA RAM, J

Date:06.06.2017.
Ssv