

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 14203 of 2005

ORDER:

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of official respondents in distributing house site pattas/certificates to the unofficial respondents in respect of the lands which were submerged during construction of Lower Maner Dam Reservoir, as illegal and arbitrary and consequently, direct the official respondents to grant house site pattas to the petitioners, as per their eligibility, over the entire land in Survey Nos.591 and 592 of Husnapur Village, Karimnagar District.

The averments in the writ affidavit would show that the petitioners and their family members are residents of Husnapur Village and Karimnagar District whose lands were submerged during the construction of Lower Maner Dam of Sriram Sagar project. It is stated that the petitioners belong to Scheduled Caste and Backward Caste community and the Government has not provided adequate compensation during the submergence of their lands. On coming to know that the surplus land admeasuring Acs.3.35 guntas was available at the rear end of the dam site and just adjacent to the dam, in Survey Nos.591 and 592, the petitioners occupied the lands and are in possession of the same even today, by erecting huts for dwelling. The petitioners claim to have submitted a representation in the year 1983, to the

District Collector/ Revenue Divisional Officer, for issuance of house site pattas by allotting the land in Survey Nos.591 and 592. But the authorities expressed their inability to grant pattas in the absence of any Government Order. Thereafter, a representation was said to have been made through their MLA to the authorities, wherein the Special Collector, Sriram Sagar project, Hyderabad clarified to the concerned revenue authorities that the land admeasuring Acs.2.20 guntas in Survey No.592, could be made available to the affected 46 families due to submergence of lands in Husnapur Village. The averments in the writ affidavit would further show that after series of deliberation with the authorities; as per the directions of the District Collector and as per G.O.Ms.No.508, dated 20.10.1995 and G.O.Ms.No.972 dated 04.12.1998, a list of affected persons were called for. It is stated that though the petitioners are eligible for house sites, but the authorities distributed the lands to the outsiders, denying the benefit to the eligible persons. In view of the above, the present writ petition came to be filed.

As seen from the record, though the writ petition was admitted, no interim order was passed.

Though various grounds are raised, learned counsel for the petitioners restricts his prayer seeking a direction to the authorities to consider the request of the petitioners for allotment of lands, if they are otherwise eligible as on the said date.

Learned counsel for the unofficial respondents would submit that the said lands were allotted to the unofficial respondents basing on their eligibility and they have also raised constructions in the said land. It is stated that any action done now would definitely cause great prejudice to the unofficial respondents. According to him, lands were allotted only after conducting due enquiry.

On the other hand, learned Government Pleader would submit that any action to be initiated now, for allotment of house sites to the eligible persons, may be directed to be taken in accordance with law.

Taking into consideration the rival submissions made, the writ petition is disposed of directing the District Collector, Karimnagar, to consider the request of the petitioners, for allotment of house sites, in accordance with law, if they are otherwise eligible and if found to be displaced due to Lower Maner Dam project.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions pending if any in this Writ Petition, shall stand closed.

C. PRAVEEN KUMAR, J

10.08.2017
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