

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.10185 OF 2005

ORDER

Heard learned counsel appearing for the petitioner and learned Government Pleader for Revenue appearing for respondents 1 to 3 and learned Assistant Solicitor General appearing for respondent No.4.

This writ petition was filed for the following prayer:

“...to issue writ of Mandamus declaring the inaction by resorting to procrastination as illegal, arbitrary and violation of the provisions of Articles 14,21 and 300-A of the Constitution of India and issue a consequential direction to take necessary steps for allotting land to the petitioner as a displaced person as per report of the 2nd respondent.”

The prayer itself does not disclose the so-called procrastination indicated therein nor does it refer to any proceeding.

However, the case of the petitioner is that his claim under the provisions of Displaced Persons (Compensation and Rehabilitation) Act, 1954 (for short ‘the Act’) was verified by the 4th respondent and a letter dated 18.09.1996 was issued stating that the balance claim measuring 7 standard acres and 4 units is

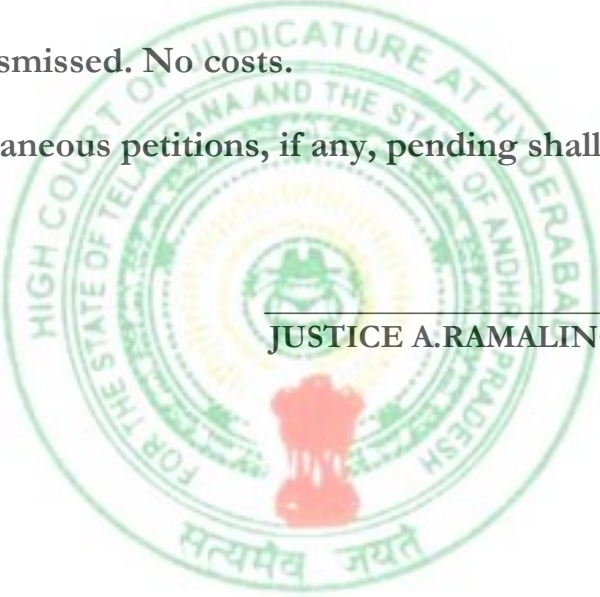
lying in his credit in respect of claim of Sri Dasumal s/o Gehimal of CAF NO.BH/S/286/I VNT. Pursuant to the same, the General Power of Attorney Holder of the petitioner was informed by the 3rd respondent on 4.6.1997 that he may purchase the said property in open auction and the purchase price of the property shall be adjusted against the compensation due on agricultural land while converting into cash as laid down in Rule 56 of the D.P (C & R) Rules, 1955. Since the displaced person was entitled for compensation in the shape of agricultural lands, the said communication was given to the GPA holder of the petitioner. Even after the said communication, the GPA holder did not take any action, but filed the present writ petition on 27.04.2005 with delay of 8 years.

A counter-affidavit is filed by the 2nd respondent stating that the Government of India, Ministry of Supply and Rehabilitation (Department of Rehabilitation) in reference No.25 (1)/73SS.II, dated 24.05.1980 transferred all the evacuee properties by way of a package deal in favour of the State Government by fixing the consideration and same was paid. Thus the land stands vested with the State Government with effect from 1.6.1980. The petitioner has no right to seek direction for allotment of the land,

which is no more an evacuee property after 1.6.1980. The provisions of the Act and the Rules made thereunder were repealed. There is no agricultural land available in Hyderabad District Urban Agglomeration, so as to be identified and allotted to the petitioner under the Act.

However, in view of the abnormal delay of eight years in approaching this Court, and in view of the vague relief, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE A.RAMALINGESWARA RAO

29th June, 2017
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