

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.10618 OF 2005

ORDER :

Heard both sides.

2. The present writ petition came to be filed seeking issuance of writ of Mandamus, declaring the action of the respondents in not taking any steps in implementing the house site pattas, issued in favour of the petitioners, as illegal and arbitrary and consequently direct the respondents to consider the case of the petitioners.

3. The facts in issue are as under:

The petitioners claim to be permanent residents of Penumantra Village and Mandal of West Godavari District and were eking out their livelihood by working as agricultural labourers. As all the petitioners were not having any permanent houses, they made representations to the revenue authorities for grant of house site pattas in the Government Poramboke lands, so as to enable them to construct small houses. Subsequently, the request of the petitioners was considered and after a detailed enquiry, a report came to be submitted by the Mandal Revenue Inspector, pursuant to which, house site pattas were granted in favour of 20 eligible petitioners. It was stated that beneficiaries have to construct houses within a period of 12 months on the respective house sites, failing which the authorities would pass orders cancelling the

house site pattas. It is stated that the house site pattas were given to the petitioners on 25.01.1996, but the third respondent failed to hand over the house sites. Their inaction lead to filing of the present writ petition.

4. A counter affidavit came to be filed disputing the averments made in the writ affidavit.

5. Though various grounds are raised, learned counsel for the petitioners would submit that a direction may be given to the authorities for providing house sites, pursuant to the pattas granted to them.

6. Learned Government Pleader, on instructions, would submit that the house sites could not be granted to the petitioners, as the said land was assigned to Gram Panchayat, which has raised Community Centre in the said land. She however, submits that if the petitioners are agreeable, if any land is available and if the petitioners are eligible, steps would be taken to consider their request, in accordance with law.

7. Having regard to the above and since the land which has been allotted to the petitioners by way of granting pattas is now allotted to Gram Panchayat, the respondent – authorities shall identify an alternate land and issue pattas to the petitioners, if they are otherwise eligible, in accordance with law, as early as possible, preferably within a period of two months from the date of receipt of a copy of the order.

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

9. Miscellaneous petitions, if any, pending in this writ petition
shall stand closed.

JUSTICE C. PRAVEEN KUMAR

30.08.2017
vnb

