

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.31368 OF 2017

Date: 06.10.2017

Between:

Sri Balaji Co-operative Housing Building Society Ltd.,
Registered No.B-1883, rep.by its President, Matta
Satyanarayana Rao, Shop No.1, Municipal Shopping
Complex, Seethammadhara Junction, Visakhapatnam.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its Principal
Secretary, Revenue Department of Secretariat Buildings,
Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

This writ petition is filed praying to grant writ of mandamus declaring the action of respondents in not allotting the land to an extent of Ac.30.00 in Sy.No.127 of Madhurawada and in Sy.No.40 of Bakkannapalem in Visakhapatnam (Rural) to the petitioner society is illegal, arbitrary, violative of principles of natural justice.

2. Petitioner-society earlier filed W.P.No.1863 of 2016 praying to declare the action of the respondents in not considering the representation of the petitioner-society, dated 09.03.2013 is illegal, arbitrary and violative of principle of natural justice. In the counter-affidavit filed in the said writ petition, it was specifically asserted by the respondents that the land claimed in the representation, dated 09.03.2013 is falling within the urban limits of Visakhapatnam and after bifurcation of the State, several development activities are being taken up in and around Visakhapatnam and assignment of house sites is banned in ten urban Mandals by the Government vide G.O.Rt.No.136 Housing (U&IAY) Department, dated 08.05.2006 and asserted that individual members of the society may approach for sanction of houses through Mee-seva whenever the Government announces housing scheme in future. Taking note of the said averments, Court observed that allotment of house sites is not permissible within the urban limits and request of the petitioner cannot be accepted. Accordingly, said writ petition was dismissed. However, Court granted liberty to the petitioner society to make an application seeking allotment of house sites elsewhere.

Petitioner- society once again made application to allot house sites in Sy.No.127 of Madhurawada and in Sy.No.40 of Bakkannapalem as forming part of Visakhapatnam Rural Mandal and alleging inaction on the said representation, this writ petition is filed.

3. In the written instructions furnished by the Tahsildar to the learned Government Pleader, Tahsildar informs the Government Pleader that in order to provide housing to economically backward, number of housing schemes were implemented by the Centre and the State Governments like JNNURM, Rajiv Gruha Kalpa, VAMBAY in various villages of this Mandal, duly providing all essential amenities. Many applications have been received through Mee-Seva whenever the Government announces housing scheme. Learned Assistant Government Pleader further submits that though Visakhapatnam Rural is not covered by the ten Mandals noted in the G.O.Rt.No.136, the survey numbers mentioned in the writ petition are adjacent to those Mandals and they also form part of larger Visakhapatnam development area and, therefore, no assignments can be granted.

4. As briefly noted above, it was categorical assertion of the respondents in the earlier writ petition that in Visakhapatnam urban agglomeration, no assignment of patta can be granted and there is a prohibition. Learned counsel for petitioner-society sought to contend that as description of this Mandal is shown as Visakhapatnam Rural and, therefore, is not an Urban Mandal. However, learned counsel for petitioner-society does not dispute the fact that this is an adjacent mandal to the city of Visakhapatnam. Where, there is an express prohibition for

assignment by virtue of policy decision taken by the Government. This was specifically considered by this Court in the earlier writ petition and prayer sought therein was rejected. Thus, it is not open to the petitioner-society to once again make such an application and seek assignment as a matter of right. In fact, no person has right to insist assignment of land.

5. Having regard to the earlier orders of this Court and since petitioner-society insisted for assignment of land in Urban agglomeration area, no relief as sought for can be granted. Furthermore, the housing schemes are applicable for individuals, who are identified as entitled for allotment of houses under various schemes and, therefore, individuals have to apply, but cannot be by a society. Leaving it open to the individuals forming part of petitioner-society to apply as and when applications are called by the Government, writ petition is dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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