

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.18948 OF 2017

ORDER

Heard learned counsel appearing for the petitioners and learned Standing Counsel appearing for the 4th respondent.

This writ petition was filed challenging the action of the respondents in trying to dispossess the petitioners by third parties with the support of respondents 3 to 6.

The petitioners state that the Central Government initiated a scheme called Integrated Housing and Slum Development Programme and in its phase II implementation, it was proposed to construct 2256 three storied (G+2) residential apartments by utilising funds of the 2nd respondent. The petitioners submitted applications and they were found eligible for allotment of the houses. The value of each house was fixed at Rs.1,66,800/-, out of which, Rs.80,000/- is to be paid by way of subsidy by the 1st respondent. An amount of Rs.41,000/- is to be paid by the 2nd respondent (Rs.35,000/- as loan and Rs.6,000/- as subsidy). The balance amount of Rs.45,800/- has to be paid by each of

the petitioners in three instalments. The Executive Engineer-5th respondent has issued notice dated 10.10.2011, wherein certain instructions were issued to the petitioners, for which the petitioners have accepted and signed the acceptance deed. The petitioners have been paying the instalment amounts and the 5th respondent delivered possession of the respective houses and they are in possession of the same. In those circumstances, when there is a threat of dispossession, the present writ petition is filed by the petitioners.

Now, the 4th respondent filed a counter-affidavit stating that a show cause notice was issued questioning their eligibility. Some of the petitioners submitted their explanations, but, the same were not satisfactory and hence, an order of cancellation was passed. Without challenging the order of cancellation, the petitioners approached this Court on the ground that they are being evicted by the third parties at the behest of the official respondents.

At this juncture, learned counsel appearing for the petitioners submits that show cause notice itself was not

received by some of the petitioners and hence, they could not submit their explanations.

In view of the same, the petitioners are given liberty to approach the 4th respondent in-person, submit their identity along with address and take a copy of the show cause notice alleged to have been issued to them within one week from the date of receipt of a copy of this order and submit their detailed explanations with regard to the grounds mentioned in the show cause notice within two weeks thereafter. After receipt of the said explanations, the 4th respondent shall pass appropriate orders in accordance with law by giving due reasons. Till such time, if the petitioners are in possession, their possession shall not be disturbed.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

1st September, 2017
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