

HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.4502 of 2006

ORDER.

This Writ Petition is filed for a *Mandamus* declaring the inaction of the respondents in delivering possession of plots allotted to the petitioners in Plot Nos.6 to 12, 33, 32, 50, 30, 29, 28, 27, 50, 49, 48, 47, 46, 45, 44, 26, 13, 69, 68, 67, 66, 65, 88, 87, 86, 85, 84, 93, 108, 107 and 106 respectively in Survey No.170/PP of Budha Kalan Village, adjacent to Bellampally Mandal, Adilabad District, as illegal and arbitrary and consequently, to direct the respondents to allot the aforementioned plots to the petitioners.

It is the case of the petitioners that they belong to Schedule caste Community. As they were shelterless, they along with other beneficiaries, have submitted application before the Government for grant of house site pattas to them. Accordingly, house site pattas were granted in their favour by proceedings, dated 11.01.1979. However, for various reasons, physical possession of the house sites was not handed over to them.

Earlier, some of the beneficiaries filed Writ Petition No.16287 of 2004 before this Court and the same was disposed of by order, dated 10.8.2005, directing the respondents to put petitioner Nos.5 and 6 therein in possession of the plots allotted

to them within a period of eight weeks from the date of receipt of a copy of that order. The petitioners in the said Writ Petition further preferred Writ Appeal No.2234 of 2005 and the same was disposed of by judgment, dated 13.12.2005, directing the petitioners to make a representation and the same shall be considered by the respondents.

In the counter-affidavit filed in Writ Petition No.16287 of 2004, it was categorically stated by the respondent officials that the subject land could not be allotted to the petitioners for the reason that originally the land in Survey No.109 pertains to M/s Hyderabad Chemicals and Fertilizers Limited and the said company has sold its land long back and the purchasers are in physical possession by making pucca constructions therein.

The petitioners further averred that in pursuance of the order in Writ Appeal No.2234 of 2005, they made a representation before the Mandal Revenue Officer, Bellampally on 06.01.2006, who, in the light of the orders of this Court as well as the reports received from the General Manager, Singareni Collieries Limited, Bellampalli, by proceedings, dated 30.01.2006 rejected the claims of the said petitioners stating that they are not entitled to grant of house site pattas as they are well placed in Singareni Collieries.

Mr. P.Harish, learned Assistant Government Pleader for Revenue (Telangana), contended that no relief can be granted to the petitioners against the order, dated 30.01.2006. passed by respondent No.3 and the petitioners have an effective remedy by way of filing an appeal before the Revenue Divisional Officer against the said order of respondent No.3.

In view of the same, this Writ Petition is disposed of giving liberty to the petitioners to seek appropriate remedy before the authorities concerned.

As a sequel, the Miscellaneous Petitions, if any, pending shall stand disposed of as infructuous.



JUSTICE T.AMARNATH GOUD

24th April 2018

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