

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.24733 of 2006

ORDER:

Heard Mr.Naresh Kumar, counsel for petitioners and the learned Assistant Government Pleader for respondents.

Shaik Ismail (1st petitioner), on 27.11.2006 filed the writ petition for mandamus directing respondents to grant D-Form Patta to 1st petitioner of an extent of Ac.2.00 cents in Sy.No.18 of Chinnapavani Village, Lingasamudram Mandal, Prakasham District, by declaring the inaction as illegal etc.

The circumstances leading to the filing of writ petition are in a narrow sphere and are stated thus:

The eldest son of 1st petitioner was studying in class IX at A.P.Social Welfare School, Velugonda. The 1st petitioner's son died due to brain fever while studying in the Residential School. The, the then Collector on 27.02.1998 called upon the 2nd respondent to take necessary action to assign the agricultural land available at Pedapavani Village or a house site to 1st petitioner. This direction was followed by L.Dis.E2/5298/98, dated 22.11.2000. The Revenue Divisional Officer, Kandukur, on 14.12.2005 wanted the 2nd respondent to look into the

matter and take a decision. The compassion shown by the District Collector and necessity to compensate for unfortunate death of 1st petitioner's son due to brain fever did fall on defers. On 27.11.2006, the present writ petition was filed for the relief referred to above.

The writ petition was listed on 22.02.2018 and at request of learned Government Pleader (Assignment) the writ petition is directed to be taken up today for final hearing. The respondents have not filed counter affidavit. Further, the 2nd respondent placed on record the letter dated 23.02.2018 addressed by Tahsildar (FAC), Lingasamudram. The letter refers to, the possession of agricultural department in Sy.No.18, which is probable and there cannot be any objection, if the 2nd respondent does not want to consider the case of the 1st petitioner for implementing the concession shown by the District Collector. The further instructions of 2nd respondent are as follows:

“The petitioner has died 10 years back. At present no vacant land available for assignment of land to the legal heirs of the petitioner. More over, the land measuring an extent of Ac.6.64 in sy.No.18 of Chinapavani village was under the control of Agricultural Department.

In view of the above, the petition deserves no consideration.”

Each one of the reasons excerpted above, if are taken note with required seriousness, one would be compelled to observe that the 2nd respondent is un-mindful of the obligation on which he is considering the request of 1st petitioner i.e., pursuant to the directions issued by the Collector under extraordinary circumstances. As long as the letters addressed by the District Collector/1st respondent are subsisting, the answer of 2nd respondent does not confirm to administrative discipline. The 2nd respondent without releasing his obligation, ought not to have been over expressive.

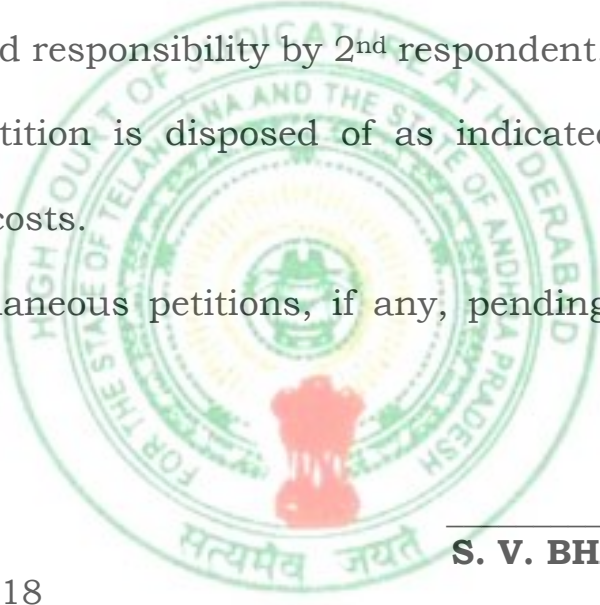
Be that as it may. The direction of Collector is still subsisting and it is for the District Collector to ensure that in the matters of assignment, allotment etc., the word of District Collector is final but not his sub-ordinates. The District Collector/1st respondent, hence is directed to look into the orders and communication 23.02.2018 and take steps as are required for satisfactory compliance by the 2nd respondent within eight (08) weeks from the date of receipt of copy of this order. The petitioners are also given liberty to resubmit the letters along with copy of this order expeditiously. The 2nd respondent refers to the demise of 1st respondent, now who is represented by his legal

representatives and if there is further delay in consideration of the request of legal representatives as well, the 2nd respondent may have yet another fresh reason to disobey the order of Collector. The petitioner died on 28.02.2013 and his legal representatives are brought on record and are pursuing the writ prayer. The direction to allot land or house site, it appears was under singular circumstance to compensate the 1st petitioner. As such, consideration by the District Collector ought to be treated with required responsibility by 2nd respondent.

Writ petition is disposed of as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 23.02.2018
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 **S. V. BHATT, J**

