

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.37115 OF 2013

ORDER:

The petitioner seeks writ of mandamus declaring the action of the 4th respondent in not taking steps for allotment of the house sites to the eligible beneficiaries in accordance with the instructions of the 2nd respondent dated 30.03.2013 as illegal, arbitrary and in violation of Principles of Natural Justice and violation of Articles 14 and 21 of the Constitution of India and consequently, direct the 4th respondent to take steps to allot house sites in Survey No.140-13 in an extent of Acres 2.50 cents of Rapthadu Village and Mandal of Anantapur District.

2. (a) Petitioner's case, in brief, is that he belongs to SC community and he is a coolie by profession. He submitted an application to Hon'ble Minister for Revenue, Government of Andhra Pradesh, requesting to provide house sites to him along with other homeless SC community coolies and Hon'ble Minister was pleased to forward the said representation to 4th respondent for necessary action.

(b) While so, the 4th respondent sought permission from the 3rd respondent through proceedings in R.C.No.B/488/2012, dated 15.11.2012 stating that agricultural land situated in Survey No.140-13 in an extent of Acres 2.50 cents of Rapthadu Village was assigned to one Dayakar on 29.06.2004 and the said assignee had given consent to relinquish his

rights over the land for allotment of house sites to poor persons living at Anantapur. The 3rd respondent in turn forwarded the proposals of the 4th respondent to the District Collector, Anantapur, who is the 2nd respondent, vide his proceedings dated 28.11.2012 for grant of necessary instructions with regard to the relinquishment of the land in question by the aforesaid Dayakar for eventual assignment of house sites to the homeless poor candidates. The 2nd respondent, on verification of the records, instructed to resume the land for violation of conditions of grant and then to allot the house sites to the eligible persons. The 3rd respondent in turn informed the same to the 4th respondent.

(c) The grievance of the petitioner is that though the 2nd respondent gave instructions through proceedings dated 30.03.2013 to proceed with the allotment of house sites to the eligible persons after resuming the land in Survey No.140-13 in an extent of Acres 2.50 cents of Rapthadu Village, the 4th respondent has not been taking steps in that regard without there being any plausible reason. As a matter of fact, the 4th respondent already divided the land into plots and also identified the eligible candidates for allotment through the Mandal Revenue Inspector. However, no proceedings were issued so far.

Hence, the present writ petition.

3. Learned Assistant Government Pleader for Assignment takes notice. No counters filed.

4. Heard.

5. As can be seen, the grievance of the petitioner is that he belongs to SC community and a coolie by profession and he is a homeless poor and therefore, he deserves consideration from the Government side. His further case is that one Dayakar, who was assigned Acres 2.50 cents of land in Survey No.140-13 in Rapthadu village was ready to relinquish his rights over the land for allotment and in this regard, the 4th respondent through his proceedings R.C.No.B/488/2012, dated 15.11.2012 has submitted to the 3rd respondent stating that the said Dayakar has given consent to relinquish his assigned land for eventual allotment to the homeless poor persons and sought for permission/instructions for taking further action in respect of the relinquishment of the land for grant of house sites to the beneficiaries who are residing at Anantapur Town. The 3rd respondent, in turn, submitted the same to the 2nd respondent and though the 2nd respondent has given instructions for resuming the land on the ground of violation of conditions of grant and proceed with the allotment of house sites to the homeless poor, the 4th respondent has not been taking steps in this regard. This is, precisely, the grievance of the petitioner. However, a perusal of the copy of the proceedings vide R.C.No.E4/12757/2012, dated 30.03.2013 of the 2nd respondent, a copy of which is filed

along with the material papers, would show that the 2nd respondent, while referring to the request made by the 3rd respondent, has observed that as per the B.S.O., Government land cannot be relinquished by the assignee and as such, the same may be resumed on violation of conditions of grant. Thus, the proceedings of the Collector are only to this effect and from his letter, there is no positive direction to either 3rd respondent or 4th respondent to resume the land on relinquishment and allot the same to the petitioner or some others. In that view of the matter, the petitioner's request to direct the 4th respondent to assign the land of Acres 2.50 cents in Survey No.140-13 of Raphadu Village to the petitioner and some other homeless poor persons cannot be considered. However, since the petitioner submits that he is a homeless poor person and belonging to SC community and he is a coolie by profession and that his representation was forwarded by Hon'ble Minister to the 4th respondent and pending with him, the 4th respondent shall consider the same and pass an appropriate order on merits subject to the eligibility of the petitioner for house site patta within twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

28.11.2018
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