

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.1150 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, to declare that the action of the 4th Respondent in preparing the list of beneficiaries dated 3-12-2015 unilaterally without holding any Gram Sabha in the village as illegal arbitrary and violative of Articles 14 and 16 of the Constitution of India and consequently direct the Respondents to consider for the first phase the finalized list of beneficiary families dated 19-11-2015.

It is the case of the petitioners that they are natives of Danthalapalli Village, Narsimhulapeta Mandal, Warangal District and they are landless poor persons and in terms of G.O.Ms.No.1 Scheduled Caste Development (SCP) Department dated 26.07.2014, the Government proposed to allot upto Ac.3-00 land to the landless poor persons belonging to Scheduled Caste and issued certain guidelines, which are in paragraph 4 of the said G.O. and this petitioners are also entitled to the benefits referred in the G.O.

It is further contended that, on 16.11.2015 and 18.11.2015 a list was prepared in the Gram Sabha and these petitioners are placed in different serial numbers and later, the Tahsildar prepared another list on 19.11.2015 where the names of the petitioners were omitted and the said list was prepared without conducting any enquiry.

As seen from the material on record, the Tahsildar prepared provisional list and called for objections on or before 23.11.2015 by 5:00 P.M. The Tahsildar made it clear that, if no objection is received within the stipulated time, the list which was prepared on 23.11.2015 would be treated as final and further course would go on. It is averred that the 4th respondent without conducting any enquiry or holding Gram Sabha in the village, unilaterally prepared another list of 33 beneficiary families on 03.12.2015 adding further names at different serial numbers of the previous list. Aggrieved by the unilateral action taken by the 4th respondent, the petitioners submitted a representation dated 21.12.2015 to the 2nd respondent seeking the above relief.

Learned Government Pleader for Revenue (Telangana) requested to pass appropriate orders, directing the Tahsildar to consider the representation/objection of the petitioners. Learned counsel representing for R-1 & R-3 also made a similar request made by learned Government Pleader.

Admittedly, the list is pending for consideration and objections were called for by the Tahsildar with regard to the list of beneficiaries prepared. This petitioner also submitted his objections by way of representation questioning the provisional list prepared by the Tahsildar on various grounds. But, the Tahsildar did not pass appropriate orders till date. In those set of circumstances, this Court cannot direct the Tahsildar to place these petitioners at appropriate places in the list. At best, this Court can direct the Tahsildar to consider the representations/objections submitted by the petitioners and pass

reasoned order, in accordance with law, within two months from the date of receipt of copy of this order.

With the above direction, writ petition is disposed of.

Consequently, miscellaneous applications pending if any, shall also stand dismissed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:24.04.2018

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