

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.20025 of 2011

ORDER:

Heard Smt.G.Jyothi Kiran, Learned Counsel for the petitioner, and Sri G.Vishweshar Reddy, Learned Standing Counsel for the Housing Board.

This Writ Petition is filed questioning the action of respondents 2 and 3 in not allotting to the petitioner the stray piece of land, adjacent to their flat, in accordance with G.O.Ms. No.38 dated 30.05.1997, G.O.Ms.No.6 dated 29.03.2011 and other subsequent G.Os, as arbitrary and illegal. A consequential direction is sought to the respondents to allot the same to the petitioner forthwith.

By the interim order, in W.P.M.P.No.24266 of 2011 dated 18.07.2011, respondents 2 and 3 were directed to consider the petitioner's representations dated 25.08.2003, 27.03.2010 and 25.06.2011 and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of the order.

Both Smt. G.Jyothi Kiran, Learned Counsel for the petitioner, and Sri G.Vishweshar Reddy, Learned Standing Counsel for the Housing Board, express ignorance as to what transpired thereafter. While it is debatable whether the land sought for by the petitioner is a stray land at all and, even if it was, whether the petitioner is entitled to be given this stray land in terms of the aforesaid G.Os, the only relief which could have been granted in the Writ Petition has already been granted by way of the interim order aforementioned. As the petitioner's entitlement, to the land

adjacent to their flat, is for the authorities concerned to determine, this Court, in proceedings under Article 226 of the Constitution of India, would not issue a mandamus directing the respondents to allot this land to the petitioner. The only relief which the petitioner would be entitled to is for his request to be considered in accordance with law. As such a relief was granted by way of the interim order, in WPMP No.24266 of 2011 dated 18.07.2011, no further orders are necessary in this Writ Petition.

The Writ Petition is, accordingly, disposed of. The Miscellaneous Petitions pending, if any, shall also stand closed. No order as to costs.

Date:29-03-2018.
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RAMESH RANGANATHAN, ACJ.

