

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.8909 OF 2008

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners requesting to issue a Writ of Mandamus declaring the action of the respondents 1 & 2 in taking possession and allotting the laid out plots in the land admeasuring Ac.5-00 in Survey nos.52/3 and 52/4 situated at Turkayamjal Village, Hayathnagar Mandal, Ranga Reddy District, to weaker sections of the society under Indiramma Awas scheme without following due process of law, as arbitrary, illegal and without jurisdiction and consequently direct the respondents not to interfere with the said lands of the petitioners.

2. I have heard the submissions of the learned counsel for the petitioners and of the learned Government Pleader for Land Acquisition, appearing for the 1st respondent. I have perused the pleadings of both sides.

3. The grievance of the petitioners is that without following the procedure established by law, the respondents are attempting to interfere with the possession and enjoyment of the petitioners over the subject lands for the alleged intended purpose of assigning the subject property as house sites to the members of weaker sections of society under Indiramma Housing scheme. However, in the counter of the 1st respondent, it is categorically stated that house site pattas under the said scheme were issued, vide file No.C/997/1997, to 410 beneficiaries in the year 2004 from out of Ac.58-05 guntas of land in Survey no.52/1 and that therefore, it is false to state that the respondents and their subordinates are interfering with the subject lands of the petitioners. It

is also stated that house site pattas under Indiramma Housing scheme were issued in respect of the land in Survey no.52/1 and not the lands in Survey nos.52/3 and 52/4, as alleged by the petitioners herein and therefore, there is no need to acquire the subject lands of the petitioners.

4. In view of the categorical statements made in the counter affidavit of the 1st respondent, learned counsel for the petitioners submits that the said averments in the counter affidavit may be recorded and the Writ Petition may be disposed of.

5. Learned Government Pleader for Land Acquisition endorses the said submission.

6. Having regard to the facts & submissions and the categorical statements made in the counter affidavit of the 1st respondent, which are referred to supra, the Writ Petition is disposed of as no further orders are necessary.

There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

September 27, 2018
MD

M.SEETHARAMA MURTI, J