

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

WRIT APPEAL No.588 OF 2018

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.4730 of 2018 dated 26.02.2018. Respondents 1 to 5 herein filed the said Writ Petition seeking a *Mandamus* to declare the inaction on the part of the respondents to consider their representation dated 16.02.2015, for inducting them into possession of the assigned house site properties admeasuring Ac.0.2 cents each in Sy.No.297/26 bearing Plot Nos.661, 461, 847, 863 and 19, situated in Uppuchervu, Near SS Tank, within the limits of Kandukur Municipality, Prakasam District, as illegal, irrational and as contrary to the Andhra Pradesh Board of Revenue Standing Orders, and violative of Articles 14 and 21 of the Constitution of India. A consequential direction was sought to the appellants herein to induct the respondent-Writ Petitioners into possession of the said house site properties by planting plot numbers stones, and providing basic civic amenities.

The Writ Petition, filed on 04.02.2018, came to be allowed just three weeks thereafter by the order under appeal dated 26.02.2018, and the appellants herein and the Kandukur Municipality were directed to hand over possession of the land, covered by the pattas already issued in favour of the respondent-Writ Petitioners, within four weeks.

Learned Government Pleader for Revenue (A.P) would submit that, on the sole ground that instructions had not been obtained, the Writ Petition came to be allowed without giving the appellants a reasonable opportunity of being heard; the lands, assigned in favour of the respondent-Writ Petitioners, is now required for implementation of the “Prime Minister Awas Yojana-Housing Scheme”; all the petitioners would be allotted flats, in terms of the said scheme, on complying with the conditions stipulated therein; and, in fact, the 5th respondent in this appeal has already exercised her option to be allotted a flat under the “Prime Minister Awas Yojana-Housing Scheme”.

M/s. N. Revathi, learned counsel for the respondent-Writ Petitioners, would submit that, while there is no justification for the appellants’ failure to deliver possession of the lands assigned in their favour, the respondent-Writ Petitioners are, nonetheless, willing to accept flats if allotment thereof is ensured by an order of this Court; and all of them are ready and willing to comply with the conditions, stipulated in the “Prime Minister Awas Yojana-Housing Scheme”, for allotment of flats in their favour.

As learned counsel on either side are in agreement, we consider it appropriate to set aside the order under appeal and, instead, direct the appellants to allot flats to all the respondent-Writ Petitioners herein, in the buildings being constructed on the subject land for which they were issued pattas earlier, subject to their fulfilling the conditions stipulated in the “Prime Minister Awas Yojana-Housing Scheme”, in as much as all of them are

landless poor, and are eligible for allotment of flats in terms of the said scheme.

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

RAMESH RANGANATHAN, ACJ

KONGARA VIJAYA LAKSHMI, J

12th April, 2018
Gk



HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT APPEAL No.588 OF 2018



12.04.2018

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