

HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.26237 of 2006

ORDER.

This Writ Petition is filed for a *Certiorari* to call for the records in proceedings, vide No.E5/3818/2006, dated 07.12.2006, of respondent No.2 and to quash the same.

The petitioner served as Naik in the Indian army with Regiment No.011375694F and retired on 28.02.1999. As per G.O.Ms.No.743, Revenue (B) Department, dated 30.4.1963, and G.O.Ms.No.117, dated 11.11.1993, the petitioner is entitled to assignment of an extent of Acs.2.50 guntas of wet land or Ac.5.00 guntas of dry land under ex-service men quota.

As per Clause-(i) of G.O.Ms.No.743, dated 30.4.1963, all jawans domiciled in Andhra Pradesh and serving in the defence forces of India, will, after demobilization, be eligible for the assignment of land in their own village or elsewhere under these Rules.

The petitioner approached the respondents by making a representation, dated 09.8.2006, seeking to allot Ac.5.00 of agricultural land in Survey No.218 of Cherriyal Village, Keesara Mandal, Ranga Reddy District. Since the same was not considered, earlier, he moved this Court by way of filing Writ Petition No.17702 of 2006 and the same was disposed of by

order, dated 25.8.2006, directing respondent No.4 to consider the suitability for assigning the land in Survey No.218, and if for any reason, the said land cannot be assigned, the said respondent was directed to allot/assign any other suitable land to the petitioner. Later, respondent No.2 by memo, dated 07.12.2006, has rejected the claim of the petitioner on the ground that there is delay in making the application by the petitioner and further, the proposed land is failing within the periphery of the Outer Ring Road. The said order of respondent No.2 is under challenge in the present Writ Petition.

Heard learned counsel for the petitioner and perused the material papers on record.

In view of the State reorganisation, the petitioner, being a resident of Tenali, Guntur District, is entitled to assignment/allotment of land within his village or elsewhere within the State of Andhra Pradesh in the light of Clause-(i) of G.O.Ms.No.743, dated 30.4.1963.

Accordingly, the Writ Petition is disposed of directing the petitioner to make a fresh application to the authorities concerned of the Government of Andhra Pradesh within a period of one month from the date of receipt of a copy of this order and the Government authorities concerned shall consider

the same and pass appropriate order within a period of three months thereafter.

It is needless to observe that priority should always be given to the ex-service men who served the nation and the authorities concerned, on trivial grounds, shall not reject the application of the petitioner denying his legitimate right.

As a sequel, the Miscellaneous Petitions, if any, pending shall stand disposed of as infructuous.

26th April 2018
DR

JUSTICE T.AMARNATH GOUD

