

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.23712 of 2015

Order:

Heard learned Senior Counsel for the petitioners and learned Government Pleader for the respondents.

It is the case of the petitioners that they are registered Societies registered on 06.03.2009 and 07.03.2009. The first petitioner got 357 members, whereas the second petitioner got 57 members. All the members of the petitioners Societies are Ex-Servicemen and their widows. They submitted a representation on 10.08.2009 to the second respondent for allotment of house site pattas in their favour in accordance with G.O.Ms.No.1241, dated 27.10.2008, in respect of an extent of Ac.5-00, situated in Survey No.39 of Mangalagiri Town, Mangalagiri mandal, Guntur District. They sent the application through Zilla Sainik Welfare Officer, Guntur. The second respondent received the said representation and directed the third respondent to enquire into the matter. The third respondent in turn directed the fourth respondent to make an enquiry. When no action was taken thereafter, the petitioners submitted another representation to the Joint Collector on 20.09.2013. Pursuant to the same, the fourth respondent submitted a report to the Joint Collector on 12.10.2013 and as per the said report some land was vacant near Rajiv Gruha Kalpa and the petitioners wanted allotment of the same. Their case is that the total extent of the land in Survey No.39 is Ac.63-70 cents and the same was initially alienated in favour of APIIC on 17.05.2003 under G.O.Ms.No.483, dated 19.12.2002, and another extent of Ac.87.87 cents, which forms part of total extent of Ac.143-47 cents, situated in Survey No.49, was alienated in favour of APIIC. Out of the

said extent, Ac.25-00 was taken by the revenue department for Rajiv Gruha Kalpa Scheme and handed over the same to the AP Housing Board. Subsequently, the AP Housing Board constructed G+ 2 flats of 500 and the same were allotted to the purchasers, but it utilized Ac.8-50 cents of land and the remaining extent of Ac.16-50 cents was vacant as on the date of filing of the Writ Petition.

The petitioners also state that their representation dated 20.09.2013 was considered by the third respondent and their case was recommended to the second respondent by proceedings dated 11.07.2014, but the second respondent passed order on 05.05.2015 returning the proposals submitted by the third respondent with a request to identify other suitable land for allotment of house sites in favour of the petitioners as the land in Survey No.39 was classified as "Erra Cheruru (Tank)". The petitioners filed another representation on 31.05.2015 to the second respondent stating that the land in Survey No.39 is no longer a "Tank". In view of the same, they filed the present Writ Petition for allotment of Ac.5-00 of land situated in Survey No.39 of Mangalagiri village and Town, Guntur District.

The fourth respondent filed a counter affidavit stating that an extent of Ac.63.70 cents in Survey No.39 is classified as "Yerra Cheuvu" Tank and another extent of Ac.87.87 cents in Survey No.49 is classified as "Nalla Cheruvu" Tank as per RSR Mangalagiri village. The District Collector, Guntur by his proceedings dated 11.12.1974 and 21.04.1975 handed over advance possession of the said land to APIDC for establishment of Tyres and Tubes Factory Limited, since the said land lost its operation and significance. Out of the total extent, an extent of Ac.8-10 cents was re-allotted to APSRTC, Mangalagiri for construction of

bus depot by proceedings dated 01.12.1992 and the APIIC handed over the land of an extent of Ac.143.47 cents to APIIC on 17.05.2003 under Government Orders in G.O.Ms.No.483, dated 19.12.2002, for development of Autonagar in the said area. Out of the said extent, an extent of Ac.25-00 was taken back by the revenue department by proceedings dated 21.07.2005 and re-allotted to the AP Housing Board for construction of houses under Rajiv Gruha Kalpa Scheme. Thus, the APIIC is having possession of Ac.118.47 cents.

After verifying the particulars in the counter affidavit, learned Government Pleader was directed to submit the present ground position in respect of the lands situated in Survey Nos.39 and 49 and he submitted the following information.

- “1. Land under possession of APIIC - Ac.118.47 cents
(The APIIC has allotted the land to 396 small industrial units, 21 medium industrial units and 9 Software companies. Particulars of the units and images are attached. There is no vacant land in Ac.118.47 cents)
2. Land under possession of APSRTC - Ac.8.05 cents
(APSRTC has constructed bus garage in allotted land – images attached – There is no vacant land available)
3. Land under possession of Housing Department (& Mangalagiri Municipality) - Ac.25.00 cents
(Housing department has constructed Rajiv Gruha Kalpa to an extent of Ac.8-10 cents and constructing 1750 houses in an extent of Ac.16.90 cents under PMRY housing for all – Images enclosed – There is no vacant land)

Hence, there is no vacant land available in Sy.Nos.39 and 49 with the Revenue Department for making allotment to the petitioners.”

In view of the above information, as on today there is no vacant land for allotment to the petitioners.

This Court noticed that the second respondent earlier issued proceedings on 05.05.2015 while returning the proposals submitted by the third respondent with a request to identify other suitable land and to submit alternate proposals for allotment of house sites in favour of the

petitioners. Now the land in Survey Nos.39 and 49 is not available and it is for the third respondent to submit a proposal for identifying other suitable land pursuant to the proceedings of the second respondent dated 05.05.2015. In view of the same, the petitioners are given liberty to submit a representation to the third respondent for identification of suitable land and if suitable land is available it is for the third respondent to take appropriate steps in accordance with law considering the request of the petitioners.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Date: 06.03.2018
Nsr

A.RAMALINGESWARA RAO, J

