

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24214 of 2007

ORDER:

This writ petition is filed seeking a writ of mandamus, declaring the issuance of Land Regularization Certificate, vide proceedings No.L.R.C.No.3006/2004 of Adavivaram, dated 09.06.2004 in favour of respondent No.6, as illegal and arbitrary and violative of principles of natural justice and also seeking a consequential direction to cancel the said Certificate.

Heard Sri K.Gani Reddy, learned counsel for the petitioner, learned Government Pleader for Endowments, Sri K.Lalith, learned counsel for respondent No.1 and Sri P.Hemachandra, learned counsel for respondent No.6.

It has been contended by the petitioner that it is a registered Seva Sangham. The petitioner Sangham had an occasion to file W.P.No.2810/2001 challenging G.O.Ms.No.578 Revenue (Endowments IV) Department, dated 19.08.2000 when the State Government was not allotting the land of Simhachalam Devasthanam to the petitioner Sangham for house sites to the landless poor. Finally, the land to an extent of Ac.22.06 cents was allotted to the petitioner Sangham on payment of Rs.4,45,000/- The petitioner Sangham in turn had converted the said land into layouts and allotted an extent of 166 sq.yards to each of its members.

It has been further contended by the petitioner that the petitioner Sangham has allotted originally one such plot to respondent No.5, who was the member of the Sangham, who in turn, has illegally sold the said

plot to respondent No.6. The official respondents had issued Land Regularization Certificate in favour of respondent No.6. Challenging the same, the present writ petition has been filed.

Sri P.Hemachandra, learned counsel, appearing for respondent No.6 has contended that there is no such prohibition from selling of house site by respondent No.5 in favour of respondent No.6, and respondent No.6 is a *bona fide* purchaser, and no byelaws of the petitioner Sangham prohibits sale of house sites, and accordingly, he prayed for dismissal of the writ petition.

This court, having considered the rival submissions, feels that the writ petition is devoid of merit, as the petitioner Sangham is not in a position to demonstrate its byelaws which have been violated and which prohibits the sale of house sites of respondent No.5 in favour of respondent No.6. The petitioner Sangham had also not filed its byelaws except contending that respondent No.6 is not a member of the petitioner Sangham and he is not entitled for allotment. I do not see any illegality in regularizing the land in favour of respondent No.6, vide proceedings dated 09.06.2004.

The writ petition is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI, J

Date: 10.04.2018
Dsr