

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11069 of 2008

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“to issue any appropriate order or direction or a writ more particularly a writ in the nature of Mandamus directing the Respondents 1 to 3 herein to allot the house sites (plots) in S.Nos.143, 146, 159 and 160 an extent of Ac.3-12 guntas of Kothapeta Village of Uppal Mandal, Ranga Reddy District to the identified 176 beneficiaries i.e., the members Yuvajana Seva Sangam, Kothapet (V), Uppal (M), Ranga Reddy District, and the 4th respondent to stop the encroachments and construction activity going on any part of the said land by declaring the inaction of the respondents as arbitrary, illegal.”

2. The grievance of the petitioners is that though there is a Government land available in Survey Nos. 143, 146, 159 and 160 of Kothapeta Village of Uppal Mandal, Ranga Reddy District, respondents 1 to 3 are not allotting house sites to 176 identified beneficiaries. In the affidavit filed in support of the petition, it is stated that when Yuvajana Seva Sangam, Kothapet Village, filed W.P.No.13614 of 1998, this Court disposed of the same with a direction to the District Administration of the Ranga Reddy District to allot houses or house sites, as the case may be, in accordance with the existing policy. The assertion of the Government that the land in the aforesaid survey numbers is a private land is not correct because Writ Petition No.7911 of 1992 filed by the some individuals was dismissed by this Court. In those circumstances,

there is no hindrance for respondents in allotting houses or house sites to the petitioners and other similarly situated persons in terms of the orders of this Court in W.P.No.13614 of 1998.

3. A counter-affidavit is filed by the Tahsildar, 3rd respondent, advertng to the orders of this Court in W.P.No.13614 of 1998 and submits that W.P.No.7911 of 2012 filed by one T.Babaiah and others was disposed of directing the authorities to correct the mistake committed by Survey Department showing a part of land as Government poramboke. Aggrieved by the said order, they filed appeals before the Commissioner of Appeals, which were also rejected on 03.11.2003. It is stated that the Government issued G.O.Ms.No.493, dated 28.04.2006, imposing ban on allotting house site pattas in urban areas covered by municipalities in Ranga Reddy District. It is further stated that since the land claimed by the petitioners is situated within the urban municipality of Ranga Reddy District, they are not entitled for house sites. It is further stated that as per clause 3 of the said G.O., Government decided to impose ban on assignment of house sites and take up construction of houses under Rajiv Gruha Kalpa and Urban Permanent Housing Schemes. Now, it is stated across the bar that the said Rajiv Gruha Kalpa scheme is banned and Government is implementing 2 BHK scheme. The petitioners' case would be considered, otherwise they would be eligible, if not already considered.

4. Having considered the respective submissions, it may be noted that this Court while disposing of W.P.No.13614 of 1998 advertent to the prayer in the said writ petition left it open to the State to put the resources, such as land available with it to the very best and optimum utilization and held that the petitioner therein cannot choose the land of his choice for allotment in favour of eligible beneficiaries. The ratio laid down in the said order would equally apply and there is no vested right with the petitioners herein to claim the benefit of house site pattas or houses in a particular survey number.

5. Having regard to the above, the Writ Petition is disposed of with an observation that the case of the petitioners, as and when applicable, may be considered subject to eligibility criteria as notified from time to time.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

JULY 04, 2018

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Date:04.07.2018