

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

W.P.NO.17338 OF 2007

ORDER:

The petitioner society filed this writ petition seeking to declare the proceedings No.154225/Assn.V(I)/2004-2, dated 23-2-2006 of the Government as illegal, arbitrary and contrary to the provisions of G.O.Ms.No.560, dated 9.7.1996 and set aside the same and consequently direct the respondents to allot the land in Sy.No.48 to an extent of Ac.5.00, situated at Medipally Village, Ghatkesar Mandal, Ranga Reddy District as per the recommendations of Chief Commissioner of Land Administration, Hyderabad, dated 12.11.2003.

2. It is the case of the petitioner society that there are 62 members in the society and they are eking out livelihood upon the occupation of toddy tapping and selling the same. The Government in G.O.Ms.No.560, Revenue (Assn.I) Department, dated 9.7.1996 allotted Ac.5.00 of land in favour of the Toddy Tappers Co-operative Society for raising date and palm trees. In pursuance of the same, the petitioner society made a representation dated 9.3.2002 for allotting Ac.5.00 of land. The Excise Superintendent and Revenue Divisional Officer submitted remarks to the District Collector, Ranga Reddy District, who in turn addressed a letter to the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad for allotment of the land. Since no decision was taken, the petitioner society filed W.P.No.18577 of 2004 on the file of this Court and the same was disposed of by an order dated 12-10-2004, directing the respondents to consider the request of the petitioner

society in the light of the recommendations and pass orders within a period of three months. Thereafter, the Chief Commissioner of Land Administration & Special Chief Secretary, A.P., Hyderabad addressed to the Principal Secretary to Government, Revenue (Assgn.V), Department, A.P., Hyderabad, vide C.C.L.A's Letter No.BB1/2003-I, dated 25-01-2005 for considering the request of the petitioner society by relaxing the ban imposed under G.O.Ms.No.1409, dated 19.8.1978. Thereafter, the office of Chief Commissioner of Land Administration, A.P., Hyderabad in CCLA reference No.BB1/920/2003-II, dated 28/1/2005 has addressed a letter to the President of the petitioner society to approach the Government for necessary orders. The Government of Andhra Pradesh, Revenue (Assn.V) Department in Memo No.154225/Assn.V(1)/2004-2, dated 21-7-2005 has categorically directed the District Collector, Ranga Reddy about the working and management of the society for considering their request for allotment of Ac.5.00 land for raising date and palm trees in Sy.No.48 in Medipally Village. The Prohibition and Excise Superintendent, Saroornagar, Ranga Reddy District in his letter Cr.No.6085/2005/Coop, dated 26-9-2005 has addressed the District Collector, Ranga Reddy District, stating that the society is well working with good management and recommended for allotment of the land and a Certificate dated 26-9-2005 to that was also issued by the Prohibition and Excise Superintendent. Surprisingly, the Special Chief Secretary to the Government by his Memo No.154225/Assn.V(1)/2004-2, dated 23-2-2006 has rejected the request of the petitioner society for allotment of Ac.5.00 of land in reference to the ban orders issued in G.O.Ms.No.1400

(Rev.) Department, dated 19-8-1978 for the reason that the lands are costly and should not be entertained for allotment purpose.

2. Heard.

3. Mr.Pavan Reddy, learned Assistant Government Pleader for revenue (Telangana State) submits on instructions that the matter is pending before the Chief Commissioner of Land Administration, Hyderabad for implementing the Excise policy for allotment of Ac.5.00 of land in its true letter and spirit by providing suitable alternative land in favour of the petitioner society within the accessible limits to the society enabling the members to draw toddy from the trees and sell the same in the licenced premises of the society in the village.

4. In view of the above submission, the matter has been adjourned from time to time i.e., from 23-4-2018 to 26-6-2018 and finally, this Court listed the same on 6-7-2018 indicating that the second respondent Chief Commissioner of Land Administration, Hyderabad to place on record the steps taken for implementation of the scheme in its true letter and spirit, failing which, the second respondent shall be present before the Court along with connected records on 20-7-2018. When the matter is called today, the Assistant Government Pleader for Revenue (Telangana State) expressed his helplessness and thus, the matter is taken for disposal as there is no point in keeping the same pending further.

5. The Government once extending the benefit under the scheme to the down trodden, cannot deny their right on one or other pretext. With one hand, the Government granted permission for

plantation of sendhi and toddy trees and on the other hand taking into consideration of the cost factor denying the same is not correct. The Government cannot deprive the right and cannot discriminate its citizens in extending the benefit to the eligible persons. The petitioner society is entitled for the benefit and since the petitioner society is moving around the departments of the Government, the action of the respondents in this regard cannot be appreciated and shutting doors without extending benefit to the petitioner society amounts to discrimination. The respondents ought to have acted diligently for allotment of suitable lands in alternative to the lands already identified.

6. Accordingly, the writ petition is allowed, setting aside the order dated 23-2-2006 passed by the respondents is set aside, directing them to allot Ac.5.00 of land within the vicinity of the petitioner society enabling them to raise sendhi and palm trees in the light of G.O.Ms.No.560, Revenue (Assn.I) Department, dated 9-7-.1996, within a period of two months from the date of receipt of a copy of this order. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.

Date: 20-07-2018
Shr

T.AMARNATH GOUD,J