

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.25574 of 2006

ORDER:

Heard R.Sushanth Reddy holding for Mr.Vijaysen Reddy for petitioner and the learned Assistant Government Pleader for Revenue.

P.V.Sharada Devi, the petitioner herein in her capacity and basing on the accomplishments made as an international badminton, prays for the following prayer:

“.....writ of mandamus declaring the action of the respondents in delaying the process of allotment of plot bearing No.8-2-401/1, admeasuring 344.14 sq.mts in Town Sy.No.23 Block F, Ward No.11, Banjara Hills, Raod No.5, Hyderabad to the petitioner, as illegal, arbitrary and unconstitutional and consequently direct the respondents to allot plot No.8-2-401/1 admeasuring 344.14 sq.mts in Town Sy.No.23, Block F, Ward No.11, Banjara Hills, Road No.5, Hyderabad to the petitioner and pleased to pass such other order/s, this Hon'ble court may deem, fit and proper in the circumstances of the case.”

During the pendency of the writ petition, the 1st respondent issued G.O.Ms.No.426, Rev (UC.IV) Dept., dt.04.04.2007 allotting 344.14 sq.mtrs, in T.S.No.23, Block F, Ward No.11 at Road No.5, Banjara Hills, Hyderabad. The petitioner could not realize the fruits of allotment of house plot made through G.O.Ms.No.426 dated 04.04.2008 on account of factors beyond her control. Respondents accepting the difficulty of petitioner in either taking right or possession of land allotted at Road No.5 of Banjara Hills

allotted another plot, but with a few additional conditions. The petitioner questioning the conditions imposed for transfer of new plot filed writ petition No.33168 of 2012 on 29.11.2013. The writ petition was disposed of and the operative portion reads thus:

“In the opinion of this Court, the State shall lay down a uniform policy in the matter of allotment of house plots based on the achievements of the sportspersons. If the sportspersons, who are similar in status to the petitioner, were allotted plots free of costs, I do not find any reason whatsoever for the respondents to allot plot on market value to her. Such an action constitutes invidious discrimination. According to the petitioner, the extent of 450 sq.meters in Bharani layout in Survey No.403, Shaikpet Village and Mandal, Hyderabad, which was identified by the empowered committee, is free from dispute.

Therefore, the respondents are directed to consider allotment of the aforesaid plot to the petitioner on the same terms and conditions on which allotment of plots was made to the similar sportspersons.

The respondents shall positively take a decision in this regard and communicate the same to the petitioner as expeditiously as possible and not later than two months from the date of receipt of a copy of this order.”

The writ petition was taken up for hearing on 26.02.2018 and at the instance of respondents, the writ petition has been adjourned to get instructions on the allotment of house plot to petitioner.

The Assistant Government Pleader places on record the Memo No.30947/Assn.III (1)/2008 dated 09.03.2018 and the operative portion reads thus:

4. In obedience of orders issued in G.O.Ms.No.426, dt.04.04.2007, possession of the land was also handed over to Smt.P.V.Sharada Devi under the Cover of Panchanama on 22.05.2007.

5. Hence, as seen from the above, it is very clear that the prayer in the WP.No.25574/2006 before the Hon'ble High Court by P.V.Sharada Devi and orders of Hon'ble High Court dt.13.12.2006 in WP.MP.No.32785/2006 in WP.No.25574/2006 have been implemented by the Government. As the prayer in WP.No.25574/2006 has been implemented, we may request the Hon'ble High Court to close the WP.

6. The Government Pleader for Revenue (TS), High Court buildings, Hyderabad is therefore requested to appraise the same before the Hon'ble High Court on the next date of hearing in WP.No.25574/2006 and see that the WP is closed."

and contends that the writ prayer is rendered infructuous, for allotment of plot to petitioner was made in the year 2007 and when that allotment could not be given effect to, another memo was issued calling upon the petitioner to pay market value and take the plot in Shaikpet Village and Mandal, Hyderabad. He prays for dismissing the writ petition.

The circumstances are not in dispute but the long wait of petitioner for realizing a plot granted as per the policy of Government is yet to be realized by the petitioner. In the considered view of this Court, the inaction in allotting the

plot or giving possession of a plot to petitioner, still remains unattended. Hence, the inaction is required to be addressed by respondents, for the petitioner is seeking implementation of orders of respondents. Hence, the petitioner is given liberty to represent to the Special Chief Secretary to Government by enclosing a copy of the order in W.P.No.33168 of 2012 and also the present order, and pray for finalization of allotment of plot to petitioner.

This Court has no reason to doubt that the Special Chief Secretary to Government on receiving the representation considers and passes orders within six (06) weeks there from.

Writ petition is disposed of, as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 14.03.2018
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