

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.5686 OF 2014

ORDER:

Heard Mr.B.Vijaysen Reddy for petitioner and the Assistant Government Pleaders for Revenue and Assignment for respondents.

The subject matter of the writ petition is an extent of Ac.02-38 Gts in Sy.No.230 of Armoor Village and Mandal of Nizamabad District.

The petitioner, it is alleged, is denied of enjoyment of subject matter of the writ petition. The petitioner further goes on record by stating that the restriction faced by the petitioner is both on account of the land being included in FIL of Mallareddy Tank of Armoor Village and also vociferous resistance from the alleged cultivators of land under the tank and water users' association. The sum and substance of the grievance is that the petitioner is unable to enjoy the subject matter and a representation was made on 03.10.2013 suggesting various alternative remedies to consider and pass orders. The representation remained unattended for quite some time. Hence, the writ petition.

Learned counsel have not made submissions on merits of the matter but have confined the submission to the inaction in disposing of the representation dated 03.10.2013 by respondents 3 to 5.

The 5th respondent has filed counter affidavit and to state on the reply it is sufficient to remark that the 5th respondent is not in disagreement with various allegations made by the petitioner, but on the inaction the reply given by 5th respondent reads thus:

"In reply to para 4 of the affidavit, it is submitted that the petitioner made representation before the District

Collector to acquire his land Sy.No.230 to an extent of Ac.2-38 gts since as per the Joint inspection of the revenue & Irrigation authorities the subject land is comes under FTL Level. He has also represented that to allot alternative land as he could not utilize the land since the water users association members obstructing his work and even stopped the demarcation by Asst.Director Survey and Land Records, Nizamabad as such survey could not be completed and boundaries could not be fixed. The petitioner has submitted representation on 3.10.2013 and the same is under process for verification and after obtaining necessary orders from higher authorities appropriate orders will be passed on his representation”.

Mr.Vijaysen Reddy submits that even as on date nothing has happened on the representation dated 03.10.2013. Keeping in view the stand taken by 5th respondent, to meet the ends of justice, the Court considers it appropriate to direct respondent Nos.3 to 5 to consider the representation dated 03.10.2013 and pass orders as expeditiously as possible, preferably within six weeks from the date of receipt of copy of this order. The petitioner is given liberty to re-submit the representation by enclosing a copy of this order for timely compliance.

It is made clear that this Court has not adverted to the merits of the issue. It is for respondent Nos.3 to 5 to consider and pass orders.

The writ petition is, accordingly, disposed of. There shall be no order as to costs.

Pending miscellaneous petitions, if any, stand closed.

S.V.BHATT, J

14th June, 2018
Lrkm