

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.26941 of 2018

ORDER:

The petitioners herein claim to be the residents of Nellore District, Andhra Pradesh State. The sum and substance of the case of the petitioners is that the respondents are constructing the residential houses in river and riverbed areas in Sy.Nos.2062, 2214/2, 2217, 2218, 2219, 2220 and 2222 of Nellore Bit-II at Ash Pond, Venkateswarapuram, Nellore Town,SPSR Nellore District, and that the said activity is contrary to the conditions stipulated in G.O.Rt.No.168, dated 07.04.2012 and the provisions of the Andhra Pradesh (Andhra Area) Rivers Conservancy Act, 1884.

2. The petitioners are praying for a consequential direction to the respondents to allot alternative houses to the petitioners in the ongoing projects initiated by the respondents in Allipuram, Akkacheruvupadu or in Kollurpalli.

3. It is stated that though they applied for allotment in the construction undertaken at Venkateswarapuram, subsequently, they came to know through the press reports that the said area falls in river and riverbed area. It is also to be noted that as a consequential prayer the petitioners seeking the relief of allotment of alternative houses to the petitioners in the ongoing projects initiated by the respondents in Allipuram, Akkacheruvupadu or in Kollurpalli.

4. Counter affidavits, deposed by the Commissioner, Nellore Municipal Corporation and the Managing Director, Andhra Pradesh Township and Infrastructure Development Corporation Limited, Vijayawada, are filed, wherein it is stated that the

petitioners themselves applied for houses under the program along with others and paid requisite amount and after completion of building blocks with 4800 flats, 4300 flats are allotted to the individual beneficiaries through lottery system and totally 7059 applications were received. It is further stated that the petitioners No.1, 2, 3 and 5 were allotted with Flat Nos.C12-F7, B11-T2, B11-S5 and C3-S3 at Venkateswarapuram respectively and the handing over of the flats is under process. It is also averred that the 4th petitioner is not an allottee. It is also stated in the counter affidavit deposited by the Commissioner, Nellore Municipal Corporation that vide proceedings Rc.B6/6993/87, dated 09.10.1990, the classification of the land was changed from Poromboke to Assessed Waste Dry (AWD). It is further stated that the land, converted as Assessed Waste Dry (AWD), was allotted to APGENCO and after closure of NTS Power Plant, there is no necessity of Ash Pond in the site and the said site is vacant on ground.

5. It is further stated by the learned Government Pleader, during the arguments, that the process of allotment of these houses to the individual allottees is scheduled on 02.10.2018. It is also stated, on instructions, that if the petitioners come forward with the applications for alternative accommodation in the areas other than the subject area, the said applications will be considered and appropriate orders will be issued, taking into consideration the earlier allotments already made.

6. For the aforesaid reasons and having regard to the submissions of either side, this Court does not find any reason to continue the interim Order granted on 05.09.2018. Accordingly,

the interim Order, dated 05.09.2018, is vacated. The Writ Petition is also disposed of, leaving it open for the petitioners herein to submit their applications for allotment of alternative accommodation, within a period of one week from today. If any such applications are made, the same be considered and appropriate action be taken, or, pass appropriate Orders on the said applications, by taking into account the previous allotments already made in favour of the petitioners.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed. There shall be no order as to costs.

Date :01.10.2018
Smr

JUSTICE A.V.SESHA SAI

