

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 29213 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in not making demarcation of plots having issued house site pattas to the petitioners vide assignment patta in Ref.No.B/ 8/ 2014, dated 20.02.2014 by leveling the low lying land in Sy.No.763/ B, 764, 765/ 3, 766/ 1 and 761 of Biccavolu Village and Mandal, East Godavari District, to enable the petitioners to construct the houses, as illegal, arbitrary and violative of principles of natural justice.

2) The averments in the affidavit filed in support of the writ petition would show that the petitioners were granted assignment pattas in the land referred to above. It is stated that total extent of 19 acres of agriculture land has been acquired by the respondents to distribute house sites to the eligible weaker section people, after considering their eligibility, pattas have been issued. It is stated that the land acquired for distribution of house sites is an agriculture land which is low lying area and not fit for construction of houses. After distribution of house sites, the petitioners made number of requests to the respondents to get the land

leveled and demarcate the plots, so as to enable the beneficiaries to make use of the sites for construction. But no steps have been taken by the respondents. Hence, the present Writ Petition came to be filed seeking a direction to the respondents to demarcate the plots by leveling the low lying land.

3) The Government Pleader for Assignment, on instructions, states that the fact that the petitioners were given house site pattas is not in dispute. According to her, the situation which was prevailing in the year 2014 is not the same now. It is pleaded that number of encroachments are made on the land referred to above and some of the persons have already left the village. As such the demarcation of house site pattas could not be taken up at the earliest. She further submits that the representation made by the petitioners on 21.07.2018, seeking demarcation and leveling of the land will be deal with in accordance with the provisions of law and that the demarcation will be done taking into consideration the fact situation at the earliest.

4) Having regard to the above, the Writ Petition is disposed of, directing the 4th and 5th respondents to deal with the representation of the petitioners dated 21.07.2018

seeking demarcation of plots, as early as possible, in accordance with law.

5) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

28.08.2018
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