

HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

W.P. No. 33552 of 2018

ORDER:

The present writ petition came to be filed seeking issuance of writ of *mandamus*, declaring the action of the 3rd respondent in not considering the petitioners' representation dated 06.05.2015 for demarcation of boundaries of the plots allotted to them and put them in possession in respect of Plot Nos. 1 to 8 in Survey No. 259/ 2 of Devarpalli Village and Mandal, near Krishnudu Kovala (Grama Kantam No. 259), as illegal, improper and incorrect.

2. The averments in the affidavit filed in support of the petition, in brief, would show that the 2nd respondent, in its meeting held on 23.02.2011, resolved to assign land to an extent of Ac.0.12 ½ cents in Survey No. 259/ 2 of Devarpalli Village and Mandal, near Krishnudu Kovala (Grama Kantam No. 259) to the petitioners, who are widows under the LPC category, and each of the petitioners was assigned land admeasuring Ac.0.1 ¼ cents. The grievance of the petitioners is that inspite of the assignment of land, till date, they have not been put in possession of the said lands. Hence, a representation came to be made on 06.05.2015, for demarcation of the lands and to put the petitioners in possession.

3. At the time when the matter is taken up for hearing, learned Government Pleader, on instructions, does not dispute the fact of assignment of the subject lands to the petitioners; but, however, states that third parties filed O.S.No. 224 of 2015 in the Court of the Principal Junior Civil Judge, Chodavaram against the District Collector, Visakhapatnam and five others for grant of permanent injunction against the Revenue Department, and also filed I.A.No. 311 of 2015 seeking temporary injunction, on the plea that they have acquired rights over the subject lands by registered documents. She further states that the Tahsildar, who is the 3rd defendant in the suit, has filed written statement and counter in the O.S and in the I.A. respectively which are pending consideration. It is stated that in view of the pendency of the suit, the authorities are not in a position to take any action on the representation filed by the petitioners.

4. In view of the above circumstances, since the civil court is already seized of the matter, the question of demarcating the lands assigned to the petitioners and putting them in possession, may not be possible. This Court is of the opinion that the Tahsildar and other respondents, who are parties to the suit will pursue the said litigation. However, in case they are not in a position to allot the lands referred to above, the authorities may search for an alternate land and fulfill the request of the petitioners, considering their age and status.

5. With the above directions, the writ petition is disposed of at the admission stage. There shall be no order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

28.09.2018
DMG

