

HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT

WRIT APPEAL No.1507 OF 2018

JUDGMENT: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr.N.Subba Rao for appellants and the learned Government Pleader (Revenue) for respondents 1 to 3 and 5.

2. Petitioners are the appellants. The appellants pray for a writ in the nature of Mandamus directing respondents to take further action in terms of contents in Lr.No.E1/8655/2002 dated 26.10.2014 of the 1st respondent, Lr.No.D/1242/2004 dated 16.11.2004 and Lr.No.D/1242/2004 dated 20.03.2005 of the 2nd respondent and complete assignment of house site allotments made through letter No.A3/839/99 dated 23.02.2000.

3. The 1st petitioner is a Society (Regn.No.1036/2006 and petitioners 2 to 10 are the members of 1st petitioner Society. The 1st petitioner as part of annexures to the writ petition places on record the list of members of Society. The prayer as noted above deals with the inaction of respondents in considering and granting house site pattas in an extent of Acs.04-00 in Sy.No.147 (P) of Kokapet Village, Rajendranagar Mandal.

4. The respondents filed counter affidavit and the gist of the counter affidavit reads thus:

That the Government has issued G.O.Ms.No.493 dated 28.04.2006 according to which certain guidelines for selection of beneficiaries of house sites, while conducting Grama Sabha, were

issued; that in the Grama Sabha conducted on 20.05.2006, the respondents received, as many as 130 applications and out of which 107 beneficiaries were selected as per the GO and identified land an extent of Acs. 4-05 Gts in Sy.No.147 of Kokapet Village; that socio economic survey has been conducted as per the instructions of the Collector, Ranga Reddy District and mere conducting of socio economic survey is not sufficient for issuing house sites; that house site pattas to 107 beneficiaries were issued after due enquiry and conducting Grama Sabha; that as petitioners are not residents of Kokapet Village, they are not eligible for house sites and as per G.O.Ms.No.493, the local residents, who are not having house sites and their father/father-in-laws who are voter's list of 1986, only are eligible for house sites; that no vacant Government land in Sy.No.147 of Kokapet Village is available and as per the policy of the Government, at present house site pattas are not granted in Hyderabad and Ranga Reddy Districts; and that as per eligibility, the beneficiaries will be provided houses under Rajiv Gruha Kalpa Scheme.

5. The order under appeal considered these objections raised by respondents and dismissed the writ petition insofar as 1st petitioner is concerned, and further gave liberty to petitioners 2 to 10 to file individual representations before the Mandal Revenue Officer, Rajendranagar Mandal, Ranga Reddy District. For convenience, the operative portion of the order under appeal is excerpted:

“Since the recommendations were made way back in the year 2004 by the respondents in favour of the

petitioners and in view of the change in administration and delimitation of the Mandal Revenue Offices, the petitioners are directed to file fresh applications before the respondents within a period of one month from the date of receipt of a copy of this order and the respondents shall consider their case in the light of the recommendations made earlier for the purpose of granting two bed room flats under the scheme of the Government as per their eligibility as expeditiously as possible. It is needless to observe that their case should be considered on the basis of equity as they are anticipating relief from the Government is pending since 1999 onwards”.

6. Mr.Subba Rao contends that the dismissal of the writ petition, insofar as 1st petitioner is concerned denies the bargaining power the society has in securing allotment of house sites to its members. In the case on hand, the list of members of petitioners' Society is already placed as part of material papers and the Society would have been permitted to file representation before the Mandal Revenue Officer, Rajendranagar Mandal. He prays for modifying the order accordingly.

7. The learned Government, on the other hand, submits that the 1st petitioner is brought into existence much after the letters on which some reference is made in the writ petition, therefore these are issues on establishing bonafides of these Societies. According to him, the limited prayer of inaction is noted by the learned Single Judge and as there is delay in moving the Court for relief, the direction, as excerpted above, has been granted and there is no reason to interfere with the order under appeal.

8. We have noted the submissions and we are satisfied that keeping in view the order of this Court in W.P.No.20350 of 2008 and batch dated 30.10.2018 that ban imposed within a radius of 10 km from Hyderabad and Ranga Reddy District, the direction for consideration of application for house site pattas for individual members cannot further be directed by this Court. In the counter affidavit, the Tahsildar states that eligible persons in respective areas for allotment of houses will be considered. We are not expressing a view on merits in this behalf, however, stand as taken in counter affidavit is noted and placed on record.

9. For all reasons, the writ appeal fails and is, accordingly, dismissed with the above observations. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

15th November, 2018
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