

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4789 OF 2019

DATED :15.03.2019

Between :

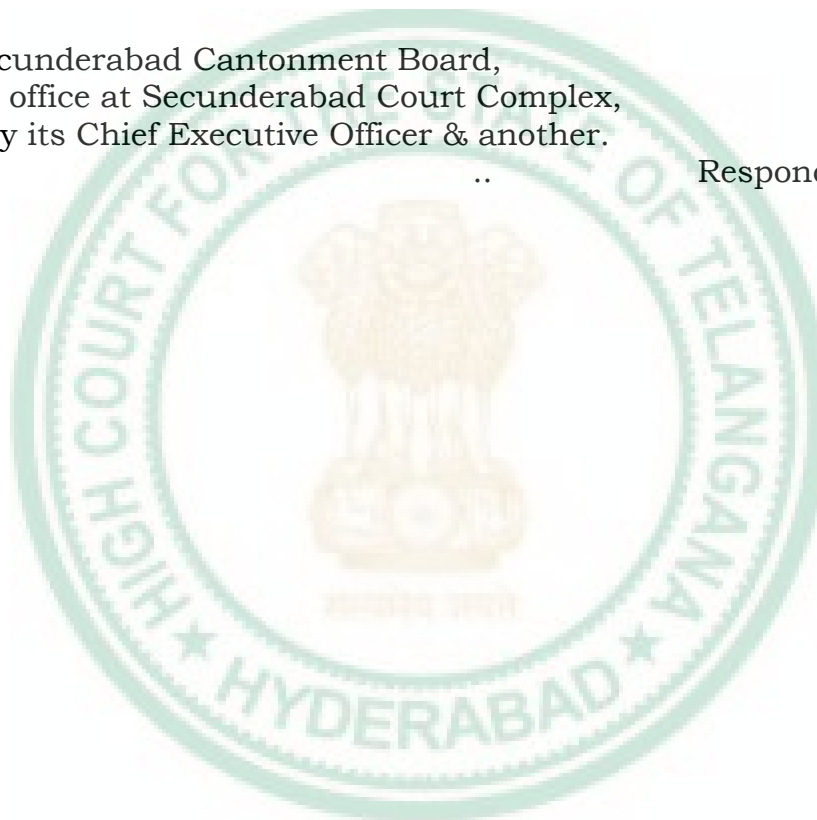
Smt Muthu Laxmi W/o.Late C.Krishna,
Aged about 66 yrs, Occu : Housewife,
R/o.143, Huts, Karkhana, Secunderabad & others.

.. Petitioners

And

The Secunderabad Cantonment Board,
Having office at Secunderabad Court Complex,
Rep., by its Chief Executive Officer & another.

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for petitioners, learned Government pleader for Home for respondent No. 2 and learned Standing Counsel for Secunderabad Cantonment Board for respondent No.1.

2. Petitioners claim that their father late C.Krishna was an Ex-serviceman. He made application for allotment of vacant site at Karkhana Main road, near Mahankali temple to run a mechanic and water center. Considering his application the 1st respondent-Board allotted a piece of land admeasuring 100 sq yards on 10.11.1995. A mechanic shed was constructed and their family is eking out livelihood by running mechanic shed. Petitioners allege that 70% of the said land in their occupation was acquired for the purpose of widening of road, leaving only 30% of the land assigned to them. Therefore, petitioners made representation to assign vacant land of about 400 Square yards behind the land in occupation of petitioners. Petitioners earlier filed W.P.No.36623 of 2015, alleging non-consideration of representation made on 07.09.2015 as illegal. The said writ petition was disposed of by order dated 12.11.2015 directing consideration of representation dated 07.09.2015 and to pass orders.

3. This writ petition is filed alleging that inspite of making representations and directions issued by this Court, so far no decision is made allotting the land.

4. It is appropriate to note that petitioners are not the ex-servicemen. They claim that their father C.Krishna, was an ex-serviceman and they are his family members. Learned counsel for the petitioners was unable to point out the provision of law which enables an ex-serviceman who was already assigned land, to assign some more land merely on the ground that a portion of land earlier assigned was acquired for widening of road. There may be many ex-servicemen who are entitled for assignment of Government Land. Thus, merely because some portion of the land was acquired, the family members of ex-serviceman cannot claim as a right some other portion of land on the ground that some portion of land in their occupation was acquired. Without establishing a legal right, petitioners cannot complain of inaction by the respondents, as illegal and arbitrary warranting interference by this Court.

5. Learned Standing counsel, on instructions, points out that never such an assignment was made to petitioners or late C.Krishna, as sought to be contended.

6. This Court is not expressing any opinion on this aspect and the issue is confined only on further claim of assignment of vacant land. As no legal claim is made out, this Court is not inclined to grant the relief claimed by petitioners.

7. Accordingly, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

15th March, 2019
Rds