

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.9152 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking the following relief :-

“..... to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus under Article 226 of the Constitution of India declaring the action of the respondents herein in not acting upon the representation of the petitioner dated 05.01.2019 in connection with the petition schedule land situated in Sy.No.58 of Chengicherla Village, Medipally Mandal, Medchal, Malkajgiri District, as being contrary to Articles 14, 15, 19, 21 and 46 of the Constitution of India and consequently direct the respondents to consider the representation of the petitioners' Association in the light of the judgment rendered in WP (PIL) No.249 of 2017”.

Heard Mr.S.Tulasi Das, learned counsel for petitioners and the learned Government Pleader for Revenue.

It has been contended by the petitioners that they are all members of the 1st petitioner Society and the State Government has issued pattas to 700 beneficiaries in the year 1985 in Sy.No.58 of Chengicherla Village, Medipally Mandal, Medchal, Malkajgiri District. But, the land was not delivered to the allottees. Later, the State Government has issued G.O.Ms.No.493, dated 28.04.2006, wherein the State Government has banned allotment of individual plots. Therefore, the petitioners filed W.P.(PIL).No.249 of 2017 challenging G.O.Ms.No.493 dated 28.04.2006 and consequent Circular dated 28.03.2007 and the Division Bench of this Court

ordered the said writ petition along with connected cases on 30.10.2018 by observing as follows :-

“For the above reasons, the proceedings dated 28.03.2007 alone are set aside as indicated above. The Revenue Department is given liberty to examine individual cases, and if circumstances warrant, issue notice, afford opportunity to beneficiary and pass orders.”

Learned counsel for petitioners has contended that the 1st petitioner Society has submitted a representation on behalf of all the petitioners. Therefore, appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the 1st petitioner Society on 05.01.2019 and pass appropriate orders in terms of the order passed in W.P.(PIL).No.249 of 2017, dated 30.10.2018.

Learned Government Pleader appearing for respondents has contended that the Division Bench of this Court in W.P.(PIL).No.249 of 2017, dated 30.10.2018, has directed the Revenue Department to examine individual cases and therefore, the single representation submitted by the 1st petitioner Society cannot be entertained. However, the cases of all the petitioners will be examined and appropriate orders would be passed in terms of the order passed in W.P.(PIL).No.249 of 2017 dated 30.10.2018, provided the petitioners submit individual representations.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the petitioners to submit individual representations to the respondents within four weeks from the date of receipt of a copy of this order. Upon such representations being received, the

respondents shall consider and pass appropriate orders in terms of the order passed in W.P.(PIL).No.249 of 2017 dated 30.10.2018 and in accordance with law, within six months thereafter.

With the above observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 26-04-2019
Prv



