

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.28733 of 2018

ORDER:

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 4th respondent in not considering the petitioner's case for assignment of the Government Land in lieu of the lost of her property while constructing the drain, in spite of the letter of the 3rd respondent dated 10-01-2017 bearing Lr.Roc.No.G1/2/2017-2, as being illegal, arbitrary, unjust and consequently direct the 4th respondent herein to allot the land to the petitioner herein equivalent to the property lost by her while constructing the drain pursuant to the letter of the 3rd respondent dated 10-01-2017 and to grant such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.'

Learned Assistant Government Pleader for Revenue, State of Telangana, would inform this Court that as per the instructions received from the Tahsildar, Mandamarri Mandal, on 27.08.2018, the Government of Telangana has no policy as on date for allotting or assigning Government land to below poverty line families or landless poor families. According to the Tahsildar, the request of the petitioner for such allotment would be considered as and when a policy in this regard is put in place.

However, perusal of the letter dated 10.01.2017 addressed by the Commissioner, Mandamarri Municipality, to the Tahsildar, Mandamarri Mandal, demonstrates that the petitioner is not seeking allotment of land as a below poverty line or landless poor person. The Commissioner stated in clear terms in the said letter that the petitioner's land was affected while constructing a drain and demolition was resorted to in the land

belonging to the petitioner as per the markings given by the Roads and Buildings Department. He therefore requested the revenue authorities to consider the petitioner's application for assignment of Government land.

The aforestated communication makes it clear that the State resorted to encroachment upon the petitioner's land without adhering to the due procedure laid down by law. Despite the same, the petitioner seems to be willing to settle for assignment of land without suing the State for damages for such wrongful action. In such circumstances, it is not open to the authorities to club her case with that of below poverty line and landless poor people and state that her case would be considered in due course of time.

The writ petition is accordingly disposed of directing the District Collector, Mancherial, to consider the application of the petitioner for assignment of Government land in the light of the letter dated 10.01.2017 received from the Commissioner, Mandamarri Municipality, and take appropriate action thereon expeditiously and in any event, not later than eight weeks from the date of receipt of a copy of this order, be it from whatever source.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:26.02.2019

PGS