

**THE HON'BLE SRI JUSTICE V.ESWARAIAH**

**WRIT PETITION No.15892 of 2000**

Between:

G.Balraj.

PETITIONER

..

and

The State of A.P., and others.

.. RESPONDENTS

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**THE HON'BLE MR JUSTICE V.ESWARAIAH**

**WRIT PETITION No.15892 of 2000**

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**ORDER:**

Heard both sides.

Petitioner questions the order passed by the 3<sup>rd</sup> respondent, dated 13-10-1993, in cancelling house site patta granted in his favour in respect of the land admeasuring 200 sq. yards in Sy.No.1553/2 situated at Siddipet Village and Mandal, Medak District, which was confirmed by the 2<sup>nd</sup> respondent by order, dated 18-05-2000.

It is not in dispute that the petitioner has been granted house site patta in respect of the land admeasuring 200 sq. yards in Sy.No.1553/2 situated at Siddipet Village and Mandal, Medak District, on the ground that he was a landless and houseless poor. It is not in dispute that the petitioner is an ex-serviceman, but the application of the petitioner for grant of house site patta has not been processed through District Sainik Welfare Board. He filed an application for allotment of house site and the same was considered as in the case of other applications for allotment of house sites in favour of landless poor. It was found that the petitioner was not a landless poor person and he is already having a house bearing No.11-4-3 at Barathnagar, Siddipet, and he is a private medical practitioner and is earning about Rs.1,200/- per month, besides monthly pension of Rs.600/-. It is stated that the ceiling limit entitling house site in favour of the landless poor shall be less than Rs.6,000/- per annum. As the petitioner was earning more than Rs.6,000/- per annum and as he was found to be not a landless poor, the house site patta was cancelled. Both the Authorities concurrently held that the petitioner got an ancestral house and he got income as medical practitioner apart from pension.

It is the case of the petitioner that though he was not assigned the land through the Zilla Sainik Welfare Officer or the Secretary, Sainik Board, the said land has been assigned keeping in view the order of the Government in G.O.Ms.No.965, dated 05-06-1963. As per the said G.O., the Government is vested to reserve certain lands for housing colonies of demobilized men. It is stated that though there was ban to allot house sites within one kilometer of

the cities and towns, the suitable compact and contiguous blocks of lands should be reserved in and around the cities and towns for housing colonies of demobilized men.

It is stated that in the instant case, the petitioner and two other ex-servicemen were allotted 200 sq. yards each and, therefore, the said assignment of the house site cannot be cancelled on the ground that the petitioner had an ancestral house and he is getting income as private medical practitioner as well as pension. It is stated that having ancestral house and private practice are not disqualifications of getting a house site as per the orders of G.O.Ms.No.965, dated 05-06-1963.

Neither in the show-cause notice nor in the cancellation order or in the order of the Appellate Authority anything is stated about entitlement of the petitioner to have a house site as per G.O.Ms.No.965, dated 05-06-1963.

Having regard to the facts and circumstances of the case and in view of the G.Os. issued from time to time for regularization of the Government lands in favour of the occupants, I am of the opinion that it is just and proper to direct respondents 3 and 4 to reconsider the matter in view of the latest Government orders for regularization of the said house site.

Accordingly, the respondents are directed to decide as to whether the petitioner is entitled for the said house site as per the orders of the Government in G.O.Ms.No.965, dated 05-06-1963, if not, his case may be considered for regularization of the said house site keeping in view the latest Government orders issued from time to time.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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27-02-2008

Prv