

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH  
AT HYDERABAD  
(SPECIAL ORIGINAL JURISDICTION)**

WEDNESDAY THE SEVENTH DAY OF JANUARY TWO THOUSAND AND  
FOUR

: PRESENT :

THE HON'BLE **MR. DEVINDER GUPTA, THE CHIEF JUSTICE**  
AND  
THE HON'BLE MS.JUSTICE: **G.ROHINI**

W.P. No.390 of 2004

Between:

Pallekona Prakash.

Petitioner

AND

1. The Govt. of A.P., rep. by its Secretary, Housing Department (Rural Housing), Secretariat, Hyderabad.
2. The District Collector, Krishna District at Machilipatnam.
3. The Deputy Executive Engineer, A.P. Housing Corporation, Vijayawada, Krishna District.
4. The Mandal Revenue Officer, Jaggaiahpet Mandal, Krishna District.
5. The Mandal Revenue Officer, Vasthavai Mandal, Krishna District.
6. The Mandal Revenue Officer, Penuganchiprolu Mandal, Krishna District.
7. The Mandal Revenue Officer, Nandigama Mandal, Krishna District.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an order or direction, more particularly in the nature of Writ of Mandamus directing the respondent authorities to allocate 36% and 14% of houses for the SCs and STs respectively in terms of G.O.Ms.No.42, dt. 05-06-2004 and the Circular Memo in Proceedings No. 2488/RH.I/2003-5, dt. 07-06-2003 issued by the Govt. of A.P. under the Weaker Section Housing Scheme for 2003-2004 in the 1804 houses sanctioned by the 2<sup>nd</sup> respondent in the impugned proceedings No. 333/Genl/DDRC/2003, dt. 03-12-2003 basing on the 2<sup>nd</sup> reference cited letter and based on such allocation of 36% and 14% of SC and ST in the said 1804, proceed with the said weaker section housing scheme vide proceedings No. 333/Genl/DDRC/2003, dt. 03-12-2003 after declaring the impugned proceedings No. 333/Genl/DDRC/2003, dt. 03-12-2003 of the 2<sup>nd</sup> respondent to the extent of allocation made for the 1804 houses sanctioned based on the 2<sup>nd</sup> reference cited letter mentioned therein is contrary to law, illegal, motivated and in contravention of G.O.Ms.No.42 dt. 05-06-2003 and circular Memo. No. 2488/RH.I/2003-5 dt. 07-06-2003 and consequently set aside the same in the interest of justice.

The Petition coming on for order as to Admission upon perusing the petition and affidavit filed herein and upon hearing the arguments of Mr. B.Narasimha Sharma, Advocate for the Petitioner and of G.P. for Housing, on behalf of the Respondents.

The Court made the following **ORDER**:

**“ Petitioner has challenged the impugned proceedings in Rc.No. 333/E.1/Genl/DDRC/2003, dated. 3<sup>rd</sup> December, 2003 issued by the District Collector/Executive Director, A.P. State Housing Corporation Limited, Krishna on the ground that it violates the Guidelines issued by the Government of Andhra Pradesh in its Circular Memo No. 2488/RH.1/2003-5 dated. 7<sup>th</sup> June, 2003. He has pointed out that clauses (6) and (11) of the Circular on the face of it have been given a goby while according sanction by the Collector on the recommendation of Ex-MLA and also MP with respect to 1804 houses.**

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**Challenge in the writ petition is only with regard to allotment of 1804 houses out of 2095 houses. Accordingly while issuing Rule Nisi and calling upon the respondents to file counter-affidavits, in the meanwhile we direct that operation of the impugned proceedings dated. 3-12-2003 insofar as it pertains to allotment of 1804 houses shall remain stayed pending further orders on this petition.”**

ASSISTANT REGISTRAR

// TRUE COPY //  
for ASSISTANT REGISTRAR

To

1. The Secretary, Housing Department (Rural Housing), Govt. of A.P., Secretariat, Hyderabad.
2. The District Collector, Krishna District at Machilipatnam.
3. The Deputy Executive Engineer, A.P. Housing Corporation, Vijayawada, Krishna District.
4. The Mandal Revenue Officer, Jaggaiahpet Mandal, Krishna District.
5. The Mandal Revenue Officer, Vasthavai Mandal, Krishna District.
6. The Mandal Revenue Officer, Penuganchiprolu Mandal, Krishna District.
7. The Mandal Revenue Officer, Nandigama Mandal, Krishna District.
8. Two CCs to G.P. for Housing, High Court of A.P.Hyd(OUT)
9. One CC to Mr. B.Narasimha Sharma, Advocate (OPUC)
10. Two spare copies.

SAH