

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.25196 of 2013

Date:28.08.2013

Between:

Bahujana Samaj Party, Anantapuram District
Unit, Reptd by S.Ramesh, S/o Subbarayudu

..... Petitioner

And

The District Collector, Anantapur
and two others.

.....Respondents

Counsel for the Petitioner: Sri Mahadeva Kanthrigala

Counsel for Respondent Nos.1 & 2: Assistant Government
Pleader

for Revenue (Andhra
area)

The Court made the following:

ORDER:

This Writ Petition is filed for a Mandamus to declare the action of respondent No.2, in directing the members of the petitioner-party to vacate the land in Survey No.14 of Nandalapadu Village, Tadipatri Town, Anantapur District, as illegal and arbitrary.

The petitioner sought for a direction to respondent Nos.1 and 2 to consider its representations, dated 13.04.2012 and 02.08.2013 for grant of house site pattas.

The petitioner claims to be a political party and avers that its members are in occupation of Acs.2.20 cents of Government land in Survey No.14 of Nandalapadu Village, Tadipatri Town, Anantapur District. The petitioner further averred that on 13.04.2012 and

02.08.2013, representations were made to respondent Nos.1 and 2 for grant of house site pattas. On the petitioner approaching respondent No.3, the latter has issued a direction to respondent No.1, in proceedings, vide Rc.No.S2/4813/ATP-L/SC/2013, dated 19.08.2013, to submit the action taken report at an early date under intimation to the petitioner. The present Writ Petition is filed with the grievance that on 24.08.2013, respondent No.2 and his staff visited the land and orally instructed the members of the petitioner-party to vacate the same.

In my opinion, the petitioner having already approached a statutory functionary-respondent No.3 and sensitized it to respond to its request by issuing the above-mentioned direction on 19.08.2013 to respondent No.1, is not entitled to avail a parallel remedy by way of the present Writ Petition. At any rate, respondent No.1 is expected to respond to the direction issued by respondent No.3 and submit his action taken report.

In this view of the matter, I am not inclined to entertain this Writ Petition for adjudication on merits. However, respondent No.2 shall not take any coercive action for recovery of possession from the persons, who are stated to be in occupation of the lands, till such time as the action taken report is submitted by respondent No.1 to 3 and without following due process of law.

Subject to the above directions, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.31078 of 2013 is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*27th August 2013
DR*