

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE N.V. SHRAVAN KUMAR**

WRIT APPEAL No.1232 of 2008

JUDGMENT: *(Per the Hon'ble Sri Justice N.V. Shravan Kumar)*

Heard Mr. N.Ashwani Kumar, learned counsel for the appellants.

2. Mr. Harender Pershad, learned Special Government Pleader and Dr. Juttukonda Vijaya Laxmi, learned Government Pleader for Revenue (Assignment) for the respondents.

3. This intra Court appeal has been preferred against the order dated 13.08.2008 passed in W.P. No.9672 of 2003 by the learned Single Judge.

4. The appellants and the respondents herein are the writ petitioners and the respondents, respectively, in the writ petition.

5. The appellants/petitioners filed the W.P. No.9672 of 2003 seeking to quash the order of the 2nd respondent, Revenue Divisional Officer, in F.No.Rc.B1/1144/2000, dated 12.11.2001 and to direct the respondents to assign/issue pattas to the petitioners – ex-servicemen for the land in Survey No.303, 663, 651, 348, 347 and 349 of Jawaharnagar village/Malkaram, Shameerpet Mandal, Ranga Reddy district and direct the respondents not to interfere with the possession and enjoyment of the petitioner over the said land.

BRIEF FACTS OF THE CASE:

6. The petitioners, who served the Indian Army, retired from the service between 1946 and 1976. All of them are domiciled in Andhra Pradesh and have been drawing pension for the service they have rendered in the Indian Army. In order to rehabilitate the Ex.Servicemen, the Government of Andhra Pradesh issued G.O.Ms.No.25, Revenue Department, dated 23.10.1952, by which it assigned an extent of Acs.5,977-03 guntas in Jawaharnagar village to the Department of Labour. The Government, later on, framed operating guidelines in order to effectuate the purpose of rehabilitation of Ex.Servicemen, vide G.O.Ms.No.743, Revenue, dated 30.04.1963. The said G.O., laid down the eligibility criteria, the extents for and the conditions subject to which the assignment of agricultural land shall be made in favour of the Ex.Servicemen. Subsequently, the Government issued G.O.Ms.No.1573, Home (Labour-IV) Department, dated 18.07.1966, in supersession of all the previous orders and laid down conditions for the selection of 'Colonists' for implementation of its scheme and for establishment of Co-operative Land Colonies for Ex.Servicemen.

7. Even before issuance of G.O.Ms.Nos.743 and 1573, a Co-operative Society, by name, Jawaharnagar Land Colonization Co-operative Society (for short "the Society") was registered on 09.01.1958 and the above-mentioned extent of land was transferred in favour of the Society. The said Society appeared to have allotted land

to 149 Ex.Servicemen. In the wake of several allegations of commissions and omissions against the Managing Committee of the Society, the District Collector by proceedings dated 27.10.1968 superseded the Managing Committee and appointed a Co-operative Sub-Registrar as Special Officer to manage the affairs of the Society.

8. On the proposals made by the District Collector, vide his letter dated 01.04.1970, the Government issued G.O.Ms.No.17, Revenue (Q) Department, dated 05.01.1976 resuming the extent of Ac.5,977-03 cents from the Society and directed to dispose of the said land by way of individual assignment to the Ex.Servicemen for whom the scheme was originally intended on priority basis and that the balance land available to be assigned to the other eligible landless poor persons of the area.

9. In their affidavit, the petitioners averred that in the list prepared by the Society consisting of eligible Ex.Servicemen, their names were not included; that as the Society itself was disbanded on the complaints made against its functioning, the said list had no sanctity; and that the petitioners were put in possession of Ac.5.00 cents each in the year 1974. Thereafter, the petitioners are in possession and have been cultivating the lands and no one interfered with their possession.

10. It is submitted that the petitioners, along with six others, filed W.P. No.12607 of 1994 before this Court for appropriate directions to dispose of the representation filed by them before the District Collector for grant of assignment. The said Writ Petition was disposed of by this Court by order dated 13.07.1994 with a direction to the District Collector to dispose of the petitioners' representations. The District Collector, vide his proceedings dated 20.09.1997 rejected the said request of the petitioners. Thereafter, the petitioners filed W.P. No.6799 of 1999 before this Court for appropriate directions to the respondents to assign the lands in their occupation in terms of G.O.Ms.No.17, Revenue (Q) Department, dated 05.01.1976. The said Writ Petition was allowed by a learned single Judge of this Court by judgment dated 13.08.1979 and the District Collector, Ranga Reddy District, was directed to grant assignments to the petitioners in respect of Acs.5.00 guntas each in their occupation. The said judgment was questioned in Writ Appeal No.2032 of 1999 by the respondents, which was disposed of by a Division Bench of this Court by order dated 29.12.1999, whereby the Division Bench substituted the direction issued by the learned Single Judge with the direction to the respondents to consider the petitioners' claim for assignment, in accordance with law, within a period of six months and accordingly modified the order of the learned Single Judge.

11. In pursuance of the above mentioned Division Bench order, respondent No.2 re-considered the request of the petitioners for assignment and vide order dated 12.11.2001 rejected the same on the following five grounds:

“(i) All the six persons will not come under the definition of demobilized Jawans and that they are not fulfilled the conditions for assignment of the land in the newly created village;

(ii) The five petitioners at Sl.No.1 to 5 were above the rank of Jawans;

(iii) The names of all the six persons are not found in the list of 149 original members of the Jawaharnagar Co-operative Land Colonization Society;

(iv) Even if the request of the petitioners has to be considered for assignment of Government and under the rules of assignment of Government land to Ex-Servicemen, the petitioners have not filed their petitions within 12 months from the date of discharge from service and routed through District Soldiers, Sailors & Airmen’s Board for assignment of Government land as required under the rules relating to assignment of Government land to Ex-Servicemen; and

(v) there is a ban on assignment of Government land of the village to other than the Society members. The petitioners at Sl.Nos.1 to 5 above will not come under the category of demobilized. Jawans and their names are also not included in the list of 149 members of the Jawaharnagar Co-operative Land Colonization Society and also they have not produced any documentary evidence to show that they have applied for assignment of Government land within a stipulated

period of 12 months from the date of discharge through proper channel as prescribed and that there is a ban for assignment of Government members of the above society. Therefore, the petitioners are not eligible for assignment of the Government land in their possession. The petitioner at Sl.No.6 although comes under the category of Jawan but will not come under the definition of demobilize Jawans also that his name is not found in the list of 149 members of Jawaharnagar Co-operative Land documentary evidence to show that he has applied for assignment of Government Land within a period of 12 months from the date of discharge through proper channel as prescribed and that there is a ban for assignment of Government land in Jawaharlal village for the persons other than 149 members of the above Society. Therefore, the petitioner is not eligible for assignment of Government lands in his possession”.

12. The appeal filed by the petitioners against the said order of respondent No.2 was dismissed by the respondent No.1. In addition to the grounds on which respondent No.2 rejected the petitioners' claim for assignment, respondent No.1 in his order added another ground, viz., that the petitioners have not produced any documentary evidence to the effect that they were actively employed in agriculture before the War. These two orders are assailed in the writ petition.

CONTENTIONS OF THE PETITIONERS IN THE WRIT PETITION:

13. It was contended that the findings contained in judgment dated 13.08.1999 in Writ Petition No.6799 of 1999 having not been set aside by the Division Bench in Writ Appeal No.2032 of 1999, the two orders passed by respondents No.2 and 1 on the basis of the reasons are

contrary to the findings of the learned Single Judge and cannot be sustained. The Division Bench merely substituted the direction without disturbing the findings of the learned Single Judge and that the findings are conclusive on the petitioners' entitlement for assignment and therefore, the respondents No.1 and 2 are bound by the same. It was further submitted that all the six reasons given by respondent No.2 and the additional reason given by respondent No.1 are based on misreading of G.O.Ms.No.1563, which was issued in Supersession of all earlier G.Os., including G.O.Ms.No.743, and that, at any rate, the petitioners satisfied all the conditions contained in the said two G.Os., for grant of assignment.

CONTENTIONS OF THE RESPONDENTS/STATE IN THE WRIT PETITION:

14. The learned Assistant Government Pleader for Revenue (Assignments), supported the orders passed by the respondents No.1 and 2. He relied upon the Judgment of the Division Bench of this Court in **K.Anjana Devi and others Vs. Government of A.P¹** in support of his contention that by applying the doctrine of merger, the judgment in Writ Petition No.6799 of 1999 had merged in the order dated 29.12.1999 passed in Writ Appeal No.2032 of 1999 as such, none of the findings of the learned single Judge survive and, therefore, respondents No.1 and 2 were not bound by any of those findings.

¹ 2007(2) ALT 322=2007(4) ALD 297

15. The learned Assistant Government Pleader further submitted that the reasons contained in the orders of respondents No.2 and 1 do not suffer from any error of fact or law warranting interference of this Court and the alleged possession of the petitioners is wholly unauthorised and illegal. He would further submit that in view of the complete urbanization of Jawaharnagar, which falls within the Greater Hyderabad Municipal Corporation area there is no possibility of agriculture being carried on in future and in the changed circumstances, the petitioners are not entitled to grant of assignment of the said land for agricultural purpose.

FINDINGS OF THE LEARNED SINGLE JUDGE:

16. The learned Single Judge had disagreed with the contentions of the learned Senior Counsel made in respect of the findings of the learned Single Judge in W.P. No.6799 of 1999 by referring the cases in **CTI Vs. M/s.Amrtilal Bhogilal & Co²** wherein the Hon'ble Supreme Court held that if an appeal is provided against the order passed by the Tribunal, the decision of the appellate authority is the operative decision in law, whether it modifies or affirms the decision of the lower authority and the decision of the original authority merges in the appeal decision. In **S.S.Rathore Vs. State of Madhya Pradesh³** the Constitution Bench of the Supreme Court endorsed the said view.

² AIR 1958 SC 868

³ (1989) 4 SCC 582

17. The Division Bench, in **K.Anjana Devi (1 supra)**, referred to and relied upon the above mentioned Supreme Court judgments and rejected the contentions raised by the petitioners therein that certain findings of the High Court were not interfered by the Supreme Court in **Smt.Athia Mohammadi Begum Vs. State of U.P⁴** and in **State of A.P. Vs. Audikesava Reddy⁵** and, therefore, the then the State of Andhra Pradesh was bound by those findings.

18. The learned Single Judge noted that the learned Single Judge gave findings to the effect that the petitioners are eligible for grant of assignments under various G.Os., referred to above, including G.O.Ms.No.17, dated 05.01.1976. However, in the Writ Appeal, the Division Bench modified the order of the learned Single Judge by passing the following order:

"After hearing both sides, we direct that the following directions be substituted in place of the direction issued by the learned single Judge in his order under appeal.

That the appellants will be at liberty to consider the decision of assignment in accordance with law within a period of six months from today.

The order under appeal is modified accordingly.

The Writ Appeal is disposed off above. There shall be no order as to cost".

⁴ AIR 1993 SC 2465

⁵ (2002) 1 SCC 227

19. The learned Single Judge while referring to **K.Anjana Devi (1 supra)**, observed that the only decision that was operative was the order passed in Writ Appeal No.2032 of 1999, because the order of the learned Single Judge got merged in the said order. The Division Bench, while modifying the order and substituting the directions given by the learned Single Judge did not specifically affirm the findings of the learned Single Judge. Far from affirming and reiterating the said findings, the Bench gave liberty to the respondents to consider the petitioners' claims for assignment in accordance with law. If the Division Bench intended the findings of the learned Single Judge to be operative and acted upon, it would have directed that the claims of the petitioners shall be considered by the respondents in accordance with law and in the light of those findings. Instead, as already noted, the Division Bench directed the respondents to consider "in accordance with law", which necessarily means that the claims of the petitioners are required to be considered in the light of the statutory provisions, if any, and the executive instructions contained in various G.Os., which constitute law and in view of the same, the contentions of the learned Senior Counsel was rejected.

20. The learned Single Judge further noted that an extent of Acs.5977.03 guntas situated in Jawaharnagar village was handed over to the Labour Department for rehabilitation of Ex.Servicemen. According to the eligibility criteria contained in G.O.Ms.No.743 dated 30.04.1963, all the Jawans including non-commissioned ranks of the

three Armed Services and also non-combatants, but excluding officers domiciled in Andhra Pradesh and serving in the Defense Forces of India after their demobilisation, are eligible for assignment of land in their own villages or elsewhere. Each Jawan is eligible for assignment of Ac.2.50 Wet or Ac.5.00 Dry land, including the land already owned by him. However, certain conditions were imposed on the said lines and the applications have to be made in a proper form and the procedure contemplated. Thereafter, G.O.Ms.No.1573, dated 18.07.1966, was issued in supersession of all previous orders.

21. On a perusal of the above two G.Os., the learned Single Judge noted that the conditions contained in G.O.Ms.Nos.743 and 1573 shows that the conditions of eligibility are at variance between the two G.Os., and observed that both the two G.Os., cannot stand side by side. It was further noted that the resumption of land of Acs.5977.03 guntas of Jawaharnagar village shall be disposed of by way of individual assignment to Ex.Servicemen for whom the scheme was originally intended and in view of the same, the claims of the petitioners were examined.

22. The learned Single Judge while considering the above two G.Os., on the 1st four grounds observed that *“the fact that the petitioners are Ex.Servicemen is not in dispute. Irrespective of whether they satisfy the criteria contained in G.O.Ms.No.743, the petitioners are still eligible for assignment by virtue of being Ex.Servicemen, who squarely fall within*

the ambit of G.O.Ms.No.1573, dated 18-7-1966. This ground of rejection, therefore, pales into insignificance.”

23. Further, it was observed that *“the fact that the petitioners were members of the Society is not in dispute. The further fact that they are all Ex.Servicemen is also not in dispute. Therefore, whether their names were included in the list sent by the Society or not is wholly irrelevant to judge the eligibility or otherwise of the petitioners for assignment.”*

24. Further it was observed that *“Keeping in view the paramount purposes for which assignment is envisaged, viz., that all Ex.Servicemen, subject to the conditions stipulated in G.O.ms.No.1573, are eligible for assignment; rejection of the petitioner’s applications on the ground of violation of a procedural condition frustrates the very purpose for which the scheme is introduced.”*

25. As regards the ground No.5, the learned Single Judge observed that *“G.O.Ms.No.1122, Revenue Department, dated 29-6-1961, the Government of Andhra Pradesh directed that no vacant land in the Greater Hyderabad City, including the Cantonment Area, within a belt of 10 miles from the Municipal limits should be assigned or otherwise disposed of until Government have assessed the requirements of various departments for building accommodation in the city. Thus, a ban was imposed on the assignments. However, the Government issued G.O.Ms.No.1409, Revenue (Q) Department, dated 19-8-1978*

after realizing that the blanket ban was creating hardship to the landless poor persons, who were in occupation of the lands either on the date of G.O.Ms.No.1122 or subsequent thereto. In the said G.O., the Government directed that the ban imposed in G.O.Ms.No.1122 be lifted in respect of 176 villages covered by the ban as shown in Annexure-I to the said G.O. However, with regard to the 190 villages, which include Jawaharnagar village, the said G.O., continued the ban.”

26. It was observed that *“the Government issued G.O.Ms.No.17, dated 5-1-1976, by which the entire land of Ac.5977-03 guntas was resumed with the direction to dispose of the same through individual assignment to the Ex.Servicemen. While rejecting the petitioners’ applications under ground No.5, respondent No.2 completely overlooked these two orders of the Government. The general ban envisaged in G.O.Ms.No.1122 and partially relaxed in G.O.Ms.No.1409 cannot be made a ground to frustrate the very scheme, which provides for assignment of land to Ex.Servicemen. These grounds of rejection, which constitute the basis for the order of respondent No.2, thus, indicate a total non-application of mind on the part of respondent No.2.”*

27. The learned Single Judge further observed that in the order of the 1st respondent, while confirming the orders of the respondent No.2 failed to point out as to under which of the Government Orders the requirement of dis-bandenening from the Army of Nizam Government is stipulated. From the analysis of the two G.Os., undertaken, it was held that it is clear that no such requirement is found to be envisaged.

Further it was also observed that while considering the request for grant of assignment, the authorities are bound to make a literal and pragmatic approach rather than a rigid and dogmatic approach and the respondents No.1 and 2 ought not to have rejected their claims on hyper technical grounds and frustrate the very scheme, which was intended to rehabilitate them. The learned Single Judge while referring to the said G.Os., and orders passed by the respondents No.1 and 2 held that the petitioners are eligible for grant of assignment under the rehabilitation scheme for Ex.Servicemen introduced by the State Government and the orders of the respondents No.1 and 2 were set aside.

28. The learned Single Judge while considering various aspects, observed that whether the petitioners are entitled to assignments of the land, which are in their occupation and considering that due to rapid urbanization, the twin cities of Hyderabad and Secunderabad have grown by leaps and bounds and the Government had extended the Municipal Corporation area to the areas, which were covered by as many as about 12 Municipalities around the twin cities and constituted Greater Hyderabad Municipal Corporation and further observed that since the land in occupation of the petitioners falls in the Greater Hyderabad Municipal Corporation area and also the Metropolitan Development Authority, which is in the midst of intensive urban activity and as such, it is not possible for the petitioners to continue with the agriculture/horticulture in future.

Moreover, it is the stand of the respondents that this land is needed for the purpose of undertaking various developmental activities and the fact that due to the urbanization, the value of the lands has gone up multifold, each acre costing in crores of rupees. While the intention of the Government in preparing the scheme of rehabilitation was only to see that after their retirement from service, the Ex.Servicemen will have decent means of livelihood, such a scheme cannot be allowed to become a windfall for the assignees. The lands having become part and parcel of the Hyderabad Urban area, they can be better utilized for various public purposes by the Government. On the other hand, the learned Single Judge being conscious of the fact that the petitioners are in possession of the lands in question at least for the last 20 years, their claim that they were allotted the lands by the Society in the year 1974, such an allotment was wholly unauthorized because long before the purported allotments, the Managing Committee of the Society was superseded and the Society itself has become defunct. The petitioners cannot therefore claim any right to be in possession of these plots until they are assigned through proper means.

29. The learned Single Judge, while considering the circumstances, balancing the individual interest of the petitioners with that of the interest of the public at large and considering the scheme provides for assignment of land either in the native place of the Ex.Servicemen or anywhere else in the State has held in the interest of justice that the

petitioners may be provided with alternative agricultural lands at the places of their choice anywhere in the State and proposed two options namely, (i) to direct the respondents to consider allotment of suitable agricultural lands at the places of choice of the petitioners, or (ii) to pay reasonable compensation to the petitioners in lieu of assignment of the lands in their occupation to enable them to procure alternative agricultural lands.

30. The learned Single Judge while considering the advance age of the petitioners held that the second option appears to be better and more advantageous to the petitioners. If they are paid the compensation, that would give them an immediate opportunity to buy alternative lands without depending upon any one and fixed Rs.3,00,000/- per acre as compensation payable to the petitioners which comes to Rs.15,00,000/- for each of the petitioners, which will enable them to purchase alternative lands with that money. Accordingly, directed the respondents to pay the petitioners sum of Rs.15,00,000/- each towards compensation. Further, also held that the petitioners are entitled to payment of the cost of development they have made over the years and directed the respondent No.1 to call for the reports from the Horticulture, Agriculture, R&B and Irrigation departments on the basis of which he shall fix the value for the developments made by the petitioners over the lands in their respective occupation. Further, directed the respondent No.1 to complete the said exercise within three months from the date of

receipt of a copy of the order and accordingly, the writ petition was allowed. Aggrieved by the same, the petitioners filed the present appeal.

CONTENTIONS OF THE APPELLANTS:

31. The learned counsel for the petitioners/appellants would submit that the learned Single Judge has clearly held that the petitioners/appellants are eligible for grant of assignment under the rehabilitation scheme for Ex-servicemen and had set aside the impugned orders in the writ petition and having set aside the same ought not to have gone into the other aspects such as the land falls in Greater Hyderabad Municipal Corporation area and that it is not possible for the appellants to continue agriculture. It is further submitted that the petitioners/appellants are 70-80 years old cannot be moved from the agricultural land and the Ex-Servicemen who were allotted patta are still continuing with agriculture, therefore, mere compensation in lieu of assignment of patta on the ground that it is an intensive urban area is incorrect and prayed to set aside the impugned order with a direction to the respondents to grant pattas to the petitioners/appellants within the reasonable period.

CONTENTIONS OF THE RESPONDENTS

32. On the other hand, on behalf of the respondents, while denying the averments of the petitioners/appellants, counter affidavit has been filed. It is submitted that the petitioners/appellants have no legal right to seek a writ of mandamus as they are admittedly encroachers.

33. The learned Special Government Pleader appearing for the respondents, while reiterating the counter averments, submitted that in a similar case that pertains to the Jawaharnagar village, the Hon'ble Supreme Court of India in Civil Appeal No.5887-5890 of 2002 on 10.11.2009 had categorically held that the respondents therein are illegal encroachers on the Government Land and accordingly held that they have no rights to remain on the said land unless there is a scheme by the Government or some law made for regularization. He would further submit that no land is available for assignment and the petitioners/appellants can be considered under the Government policy for 2 BHK. Since the petitioners/appellants are also similarly situated persons this appeal is not maintainable and the said order passed by the Hon'ble Supreme Court needs to be followed.

ANALYSIS & CONCLUSION:

34. This Court on 26.09.2008 in WAMP. No.2396 of 2008 in W.A. No.1232 of 2008 passed interim direction as prayed for; wherein sought a direction to the respondents not to evict the petitioners/appellants and not to dispossess the appellants from their agricultural land situated in Survey Nos.303, 663, 651, 348, 347 and 349 respectively, situated at Jawahar Nagar/Malkaram, Shameerpet Mandal, Ranga Reddy District pending W.A. No.1232 of 2008 on the file of the High Court.

35. We have gone through the order passed by the Hon'ble Supreme Court in Civil Appeal Nos.5887-5890 of 2002 on 10.11.2009, which reads as under:

“Heard learned counsel for the parties.

These appeals have been filed against the impugned judgment of the Andhra Pradesh High Court dated 16.6.2000.

The facts in detail have been set out in the impugned judgment and hence we are not repeating the same here.

Admittedly, the respondents are illegal encroachers on the government land. Hence, ordinarily, they have no right to remain on the said land unless there is a scheme by the government or some law made for regularization.

It is not for this Court to make such a scheme or law for regularization. It is only the concerned authorities or the concerned Legislature which can make such a scheme or law.

On the facts of the case, we substitute the impugned judgment of the High Court by this order which we are passing today.

We permit the respondents to make a representation within four weeks from today to the State Government praying for regularization and it is up to the State.

Government to accept the representation or not. If they accept the representation, the Government can fix the terms on which regularization will be done. If such a representation is moved within the aforesaid time of four weeks, the State Government shall decide

the said representation within three months' from the date of filing the said representation in accordance with law.

Till the disposal of the representation by the State Government, respondents shall not be dispossessed from the land on which they are in possession.

The Appeals are disposed of accordingly.
No costs."

36. Since the learned Special Government Pleader brought to the notice of this Court that the similar subject matter of this appeal has already been considered by the Hon'ble Supreme Court in the aforesaid order and also having gone through the said order, it is noticed that the Hon'ble Supreme Court has categorically found the respondents therein as encroachers of the land and liberty was given to the respondents therein to make representation praying for regularisation and it was left up to the State Government to accept the representation or not within the stipulated period.

37. At this stage, the learned Special Government Pleader submitted that if the petitioners/appellants make a representation for providing them alternative land anywhere in the State, other than the urban agglomeration, the respondents are ready to consider the same.

38. Admittedly the State has not preferred any appeal against the impugned order.

39. Having gone through the impugned order passed by the learned Single Judge wherein the learned Single Judge has categorically observed that balancing of the individual interest of the petitioners with that of the interest of the public at large and held that the interest of justice would be met, if the petitioners are provided with alternative agricultural land at the places of their choice anywhere in the State and proposed two options as narrated hereinabove and thereby opted and directed to fix compensation of Rs.3,00,000/- per acre payable to the petitioners which comes to Rs.15,00,000/- for each of the petitioners which enable them to purchase alternative lands with that money in lieu of assignment of the lands in occupation of the petitioners situated in Jawaharnagar, we do not find any reason to take a different view and we wish to subscribe the same.

40. However, the petitioners/appellants are not willing to take compensation as directed by the learned Single Judge in the impugned order. Admittedly, the possession of the petitioners/appellants over the subject land is not assigned through proper means.

41. Taking into consideration the submission made by the learned Special Government Pleader that if the petitioners/appellants make a representation for providing them alternative land anywhere in the State other than urban agglomeration and also taking into consideration the order passed by the Hon'ble Supreme Court in Civil Appeal Nos.5887-5890 of 2002 on 10.11.2009, we deem it appropriate

to direct the petitioners/appellants to make a representation for providing them alternative land anywhere in the State other than the urban agglomeration, if so desired, within a period of four weeks from the date of receipt of a copy of this order to the State Government and thereafter, it is for the State Government to consider the same and pass appropriate orders within a period of three months from the date of filing such representation in accordance with law. It is made clear that till the disposal of the representation by the State Government, if submitted by the petitioners/appellants, they shall not be dispossessed from the land on which they are in possession.

42. Accordingly, this writ appeal is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

ALOK ARADHE, CJ

N.V. SHRAVAN KUMAR, J

Date: 04-12-2023

Note: L.R.Copy to be marked.
B/o.
LSK