

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 1277 of 2015

ORDER:

This writ petition is filed challenging the G.O.Ms.No.11, Revenue (Assignment-I) Department, dated 20.01.2015, whereby and whereunder the 3rd respondent-A.P. Bhoodan Yagna Board, Nampally, Hyderabad (for short, 'the Bhoodan Yagna Board'), was dissolved; and the 1st respondent-Principal Secretary to the Government of Andhra Pradesh was appointed as the authority to exercise powers under the Bhoodan Yagna Board under Section 9(4) of the Act, till constitution of a regular Board.

2. The facts of the case are that the 3rd respondent-Bhoodan Yagna Board was constituted under Section 3 of the Act through a Notification vide G.O.Ms.No.687 dated 14.12.2012 issued by the erstwhile unified State of Andhra Pradesh. The petitioners are members of the said Board and their term of office is for four years, expiring on 13.12.2016. While so, consequent to bifurcation of the State, the 1st respondent issued a show cause notice dated 18.10.2014 calling upon the petitioners to explain as to why action should not be taken to dissolve the existing Bhoodan Yagna Board and constitute a new Board as the erstwhile State was bifurcated. Contending that the bifurcation of the State has no legal impact on their term of office and they can continue as members of the Bhoodan Yagna Board till 13.12.2016, the petitioners submitted their explanation on 01.11.2014. Notwithstanding their explanation, the 1st respondent issued G.O.Ms.No.11, dated 20.01.2015, which is under challenge in this writ petition.

3. When the matter came up on 29.01.2015 and 02.02.2015, the learned Advocate General sought time to get instructions and, on appreciating the legal intricacies, made a submission before this Court that he would advise the Government to withdraw the impugned G.O.Ms.No.11 dated 20.01.2015.

4. Today, at the hearing, the learned Advocate General fairly submits

that the impugned G.O.Ms.No.11, dated 20.01.2015 may be set aside; but however, giving liberty to the Government to take appropriate steps as may be advised. He further submits that considering the fact that as on date the Chairman and Vice-Chairman of the Bhoodan Yagna Board have not challenged the G.O. in question, and as the petitioners alone have challenged the G.O., in the interest of the properties held by the Bhoodan Yagna Board, a protection is needed to safeguard the properties held by the Board.

5. Learned Senior Counsel for the petitioners submits that the petitioners are members of the Board and their term of office expires on 13.12.2016, and the impugned G.O., by which the existing Board was dissolved, is illegal and hence the G.O. has to be set aside by allowing the writ petition.

6. Having considered the rival contentions, the G.O.Ms.No.11, Revenue (Assignment-I) Department dated 20.01.2015 is hereby set aside. However, it is made clear that setting aside the impugned G.O.Ms.No.11, shall not be construed as expressing any opinion, one way or the other, by this Court, with regard to the power of the Government to take appropriate steps as may be advised. Further, as the impugned G.O.Ms.No.11 dated 20.01.2015 was challenged by the petitioners alone, and not the Chairman and Vice Chairman who are the other two members of the Bhoodan Yagna Board, the writ petition is allowed insofar as the petitioners are concerned.

7. Accordingly, the writ petition is allowed insofar as the petitioners are concerned. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

04th February, 2015
KSM