

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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WRIT PETITION No.14790 OF 2008

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Between:

Vijaya Babu Metal Industries

Represented by its Partner, S.Veereshwar.

.. Petitioner

And

State of Andhra Pradesh,

Represented by its Secretary, Revenue (Assignment-V) Department,
Secretariat, Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 21-07-2015

—

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.14790 of 2008

ORDER:

This writ petition was filed seeking a direction to the respondents to allow the petitioner to continue mining operations in its land in Survey No.307/Part, Gajularamaram Village, Qutubullapur Mandal, Rangareddy District. This land was admittedly leased out by the State to the Andhra Pradesh State Finance Corporation Limited, the 5th respondent herein, under G.O.Ms.No.1100 dated 16.08.2007.

No interim order was granted by this Court in this writ petition.

Sri Y.N.Vivekananda, learned Standing Counsel for the 5th respondent, states that similar matters have already been dismissed.

Smt.I.Maamu Vani, learned counsel appearing for Sri S.Malla Rao, learned counsel for the petitioner, states that the petitioner has ownership rights over the land in question and that the respondents took action without even putting it on notice.

However, this aspect of the matter is disputed as it is the case of the State that the vendors of the petitioner surrendered the subject land as surplus land in terms of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 and therefore, the subsequent alienation in favour of the petitioner is of no consequence. This disputed question of fact cannot be resolved by this Court in this writ petition. As similar matters have already been dismissed and as no interim orders were granted by this Court in the present writ petition, the cause is rendered purely academic at this stage.

The writ petition is, therefore, dismissed. However, this order shall not preclude the petitioner from asserting and establishing its title and ownership, if any, over the subject land before the competent forum in accordance with law.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Date:21.07.2015

GJ