

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

PUBLIC INTEREST LITIGATION No. 517 of 2013

Dt:10.09.2015

Between:

The Communist Party of India (Marxist) and another.

... Petitioners

And

The State of Andhra Pradesh and others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

PUBLIC INTEREST LITIGATION No. 517 of 2013

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

The petitioners in this PIL have made the following prayer:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more in the nature writ of mandamus declaring the action of respondent No.1 in issuing G.O.Ms.No.166, Revenue (Assn.POT) Department, dated 16.02.2008 and not taking action on the representation of the petitioners dated 03.10.2013 for cancelling G.O.Ms.No.166, Revenue (Assn.POT) Department, dated 16.02.2008 as illegal, arbitrary, mala fide, unconstitutional and opposed to public interest and consequently to set aside G.O.Ms.No.166, Revenue (Assn.POT) Department, dated 16.02.2008 or alternatively direct the respondents to modify the said G.O. exclusively applicable to B.P.L. families as defined in the said G.O. and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

On 19.03.2015, learned Advocate General for the State of Telangana had made a statement that the Government of Telangana has decided not to implement G.O.Ms.No.166, dated 16.02.2008, which is impugned in this PIL. He also submitted that the State of

Telangana, after bifurcation, has issued two G.O.Ms.Nos.58 and 59, dated 30.12.2014.

Learned counsel for the petitioners submits that he does not have instructions to challenge G.O.Ms.Nos.58 and 59, dated 30.12.2014 and hence, it appears that he did not carry out any amendment as such challenging those Government Orders.

Learned Advocate General for the State of Andhra Pradesh also, on instructions, makes a statement that the Government of Andhra Pradesh has also taken decision not to implement G.O.Ms.No.166, dated 16.02.2008. In other words, he submits that the Government of Andhra Pradesh shall not act on G.O.Ms.No.166, dated 16.02.2008.

In view of the statements made by learned Advocates General for both the States, in our opinion, nothing further survives in the instant PIL.

Learned counsel for the petitioners further submits that certain irregularities were committed and some encroachments were regularised in favour of third parties on the basis of G.O.Ms.No.166, dated 16.02.2008. The persons, in whose favour orders were passed on the basis of G.O.Ms.No.166, are not before the Court. In view thereof, when we suggested to learned counsel for the petitioners that he can make representation to the Government for removal of encroachments, in view of the decision not to implement G.O.Ms.No.166, he agreed for the same. Hence, we dispose of this PIL by the following order:

“The statements, made by learned Advocates General for both

the States that the State Governments shall not implement or act upon G.O.Ms.No.166, dated 16.02.2008, are accepted. It is open to the petitioners to make representation for removal of encroachments that were regularised or ordered to be regularised on the basis of G.O.Ms.No.166, dated 16.02.2008, within 8 weeks from today. If any such representation is made, we hope and trust that the concerned authority shall deal with the same in accordance with law observing the principles of natural justice.”

Consequently, PIL MP Nos.303 and 460 of 2014 and 114, 120, 229 and 310 of 2015 are dismissed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt: 10.09.2015

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