

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.83 of 2012

-

29.07.2015

Between:

Mootha Managaraju and others ..**Petitioners**

And

The A.P.Dairy Development Corporation, Hyderabad and another

...Respondents

Counsel for the petitioners: Mr.C.V.Mohan Reddy, senior counsel,
for Mr.V.Ravinder Rao

Counsel for the respondents: Mr.D.Ramesh,
Special Government Pleader (AP)

-

The Court made the following:

-

-

-

-

ORDER:

This writ petition was originally filed for a *mandamus* to declare the decision of the respondents to sell the acquired land admeasuring Acs.5.00 in survey No.212/1,B of Ramanayyapet Village (presently part of Kakinada Municipal Corporation) as illegal. By order, dated 06.06.2012, in W.P.M.P.No.965 of 2012, the prayer in the writ petition was permitted to be amended by adding the relief of a direction to the respondents to restore the acquired land to the petitioners by taking refund of the compensation amount deposited to the credit of O.P.No.53 of 1993 on the file of the Principal Senior Civil Judge, Kakinada.

On behalf of the respondents, the then Managing Director of respondent No.1 corporation, filed a counter-affidavit, wherein he has sought to justify the decision of the respondents to auction the acquired land. However, an additional counter-affidavit is filed by the present Vice Chairman and Managing Director of respondent No.1 corporation, wherein, it is, *inter alia*, stated that by a letter, dated 05.06.2015, respondent No.1 corporation proposed to utilize the acquired land in construction of

a building for running training centre and for the purpose of establishment of a milk chilling centre. It is further averred that whether the said proposal will be accepted by the Government of Andhra Pradesh or not is in the exclusive domain of the latter.

On coming to know about the fresh proposal through the additional counter-affidavit, the petitioners filed W.P.M.P.No.25431 of 2015 for further amendment of the prayer in the writ petition in order to question the said decision of respondent No.1 corporation. By a separate order passed today, this Court ordered the said application.

Mr.C.V.Mohan Reddy, learned senior counsel representing Mr.V.Ravinder Rao, learned counsel for the petitioners, fairly submitted that so long as the respondents utilized the acquired land for a public purpose, the petitioners cannot demand return of the land. He has further pointed out that though letter, dated 05.06.2015, referred to in the additional counter-affidavit, impliedly suggests that the original proposal to auction the acquired land is dropped and the respondents are seeking to utilize the acquired land for raising a permanent structure viz., for construction of training hall in the Mini Dairy Kakinada premises and also for providing the training equipment such as overhead projectors, display screens and other audio visual equipment, the additional counter-affidavit has created a doubt as to whether the State Government will approve the said proposal or stick to its original decision to allow the respondents to sell the acquired land in auction. He has, therefore, submitted that the Government, though not a party to the writ petition, may be directed to take a decision on the proposal, dated 05.06.2015, made by respondent No.1 corporation and leave the petitioners free to avail a fresh legal remedy in the event, the Government decides to proceed with its original proposal to sell the acquired land in public auction.

Mr.D.Ramesh, learned special Government Pleader (AP) appearing for the respondents, submitted that his clients have no objection for this course.

In the light of the above noted facts and the submissions of the learned counsel for

the parties, the Writ Petition is disposed of by directing the Government of Andhra Pradesh, Animal Husbandry Dairy Development and Fisheries Department, to take a decision on the proposal submitted by the Vice Chairman and Managing Director of respondent No.1 corporation to the Incharge Deputy Director, Rajahmundry, East Godavari District, *vide* letter, dated 05.06.2015, and communicate the same to the petitioners within two months from the date of receipt of a copy of this order. If the Government approves the proposal sent through the abovementioned letter of the Vice Chairman and Managing Director of respondent No.1 corporation, the petitioners are not entitled to raise the dispute in this regard. Conversely, if the Government sticks to its original proposal of sale of the acquired land in public auction, the petitioners shall be free to avail a fresh legal remedy.

As a sequel to disposal of the writ petition, interim order, dated 03.01.2012 in W.P.M.P.No.100 of 2012 is vacated and W.P.M.P.No.100 of 2012 and W.V.M.P.No.2083 of 2012 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

29th July, 2015

Note:

The Registry shall communicate this order

to the Government of Andhra Pradesh,

Animal Husbandry Dairy Development

and Fisheries Department.

(B/o)

GHN