

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

(Special Original Jurisdiction)

PRESENT

THE HON'BLE THE
CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL NO.37 OF 2011

DATED: 19-02-2015

Between:

The Chairman, Visakhapatnam

Port Trust, Visakhapatnam

.. Appellant

And

M. Ramanamma and others

.. Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL NO.37 of 2011

JUDGMENT: (per Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

This writ appeal has been filed against the judgment and order of the learned Trial Judge dated 10th June, 2009, by which the relief prayed for in the writ petition, so to say, has been granted. The writ petition was filed by the writ petitioner asking for appropriate writ, order or direction in the nature of writ of

certiorari for quashing the impugned proceedings initiated by the Commissioner (Appeals), Urban Land Ceiling, Office of the Commissioner of Land Revenue, confirming the orders of the fifth respondent dated 23rd April, 1997 and for issuing appropriate direction to the respondents to pass an award under the provisions of the Land Acquisition Act in respect of the lands belonging to the petitioner acquired by the Visakhapatnam Port Trust.

The factual position of the case is that on 31st August, 1972, the Visakhapatnam Port Trust took possession of a large plot of land to an extent of Ac.2.64 cents in Sy.No.1/1 of Kancharapalem Village, Visakhapatnam Mandal and District. After possession was taken, the Urban Land (Ceiling and Regulation) Act, 1976 came into force and naturally, whether the petitioner was possessing or owning surplus land or not as per the aforesaid Act was to be determined. Accordingly, proceedings under the aforesaid Act were initiated. In course of time, the aforesaid Act was repealed. Naturally, the pending proceedings challenged before this Court abated and the learned Trial Judge by the impugned order, found that the aforesaid Act stood repealed and accordingly declared that the proceedings initiated under the aforesaid Act stood abated. But in the meanwhile, the action of the Visakhapatnam Port Trust for acquisition of the land belonging to the petitioner did not reach finality in the acquisition proceedings initiated. Under these circumstances, consequential relief was asked for directing the respondent authorities to initiate land acquisition proceedings. It appears that the learned Trial Judge has not granted this consequential relief.

In view of the quashing of the proceedings initiated under the Urban Land (Ceiling & Regulation) Act, 1976, so to say, the land may or may not revert to the petitioner. Therefore, we clarify that the action taken by the Visakhapatnam Port Trust authority vis-à-vis the petitioner will be governed by appropriate laws. For this purpose, this Court cannot issue any mandate.

The writ appeal is accordingly closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

SANJAY KUMAR, J

19-02-2015

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THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT APPEAL NO.37 of 2011

(Judgment of the Division Bench delivered by Hon'ble
The Chief Justice Sri Kalyan Jyoti Sengupta)

19-02-2015