

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 (SR) NOS.30488 AND 46879 OF 2015

AND

WRIT PETITION NOS.18833 AND 34573 OF 2014

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DATED: 29-04-2015

W.A.(SR) No.30488 of 2015

Between:

The State of Telangana rep. by its
Principal Secretary, Revenue (Assn.I)

Department and another .. Appellants/Respondents

And

G. Rajender Reddy and another .. Respondents/Writ Petitioners

W.A.(SR) No.46879 of 2015

Between:

The State of Telangana rep. by its
Principal Secretary, Revenue (Assn.I)

Department and another .. Appellants/Respondents

And

M. Ambadass .. Respondent/Writ Petitioner

W.P.NO.18833 OF 2014

Between:

G. Rajender Reddy and another .. Petitioners

And

The State of Telangana rep. by its
Principal Secretary, Revenue (Assn.I)

Department and another .. Respondents

W.P.NO.34573 OF 2014

Between:

A. Ambadass .. Petitioner

And

The State of Telangana rep. by its

Principal Secretary, Revenue (Assn.I)
Department and another .. Respondents
THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR
WRIT APPEAL (SR) NOS.30488 AND 46879 OF 2015
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COMMON JUDGMENT: (*per* the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

By consent of the parties, these two appeals are disposed of by the following judgment and order.

The writ petitioners/respondents challenged G.O.Ms.No.11, Revenue (Assn.I) Department, dated 05.07.2014, being a notification whereby the State of Telangana adapted the Andhra Pradesh Bhoodan and Gramdan Act, 1965 (for short 'the Act of 1965') for the State of Telangana under Section 101 of the Andhra Pradesh Reorganisation Act, 2014. With this notification, the State of Telangana appointed a Special Officer i.e., the Principal Secretary to the Government, Revenue Department, Telangana State, as the competent authority to exercise the powers and discharge the duties of the Bhoodan Board in the State of Telangana pending constitution of a regular Bhoodan Board.

It appears that the impugned Government Order is self-contradictory. It appears, the Act of 1965 was adapted in lock, stock and barrel without amendment, hence whatever decision was taken earlier in terms of the Act of 1965 would have to be accepted. But the intention of the State, though not expressly stated, is to dissolve the existing Board constituted earlier even if it has got a fixed tenure to function under the Act of 1965, although the State has power to dissolve the existing Board and

reconstitute it in terms of the Act of 1965.

The appointment of a Special Officer can be made as an interim measure during the interregnum between the dissolution and reconstitution of the Board. However, the existing Board has not been dissolved at all. The appointment of the Special Officer, after adaptation of the Act of 1965 without any alteration and amendment thereto, is therefore contrary to law.

We therefore set aside the G.O. only in relation to the appointment of the Special Officer.

The learned Advocate General appearing for the State of Telangana submits that the State is planning to dissolve the existing Board and reconstitute same.

It is for the Government to take a decision on this issue. We cannot say anything in this regard. All that we can say is that the existing Board will continue because of the adaptation until and unless it is dissolved in accordance with law. After dissolution of the Board, obviously appointment of a Special Officer is permissible.

Having regard to the facts and circumstances and also in view of the fact that there is a large extent of Bhoodan land which is very valuable and mostly situated in the State of Telangana, and when the State has reported its intention not to allow the existing Board to function, we think that till a decision is taken for dissolution of the Board, the existing Board will continue but the said Board shall not take any policy decision or deal with the land and shall limit itself to routine administrative decisions. If no decision is taken by State of Telangana as informed above within fortnight from date, the existing Board until lawful dissolution will function normally in accordance with law.

The writ appeals are accordingly disposed of.

In view of the above judgment and order, nothing remains to be decided in the writ petitions, which shall stand closed.

Pending miscellaneous petitions, if any, in both the appeals shall stand closed. No order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

29-04-2015

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