

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

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Writ Appeal No.459 of 2015

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DATED:01.07.2015

Between:

The Andhra Pradesh Industrial Infrastructure
Corporation Limited,
Represented by its Managing Director,
Hyderabad and others.

... Appellants

And

M/s. Rajyalaxmi Monuments,
Represented by its Proprietor,
Ongole,
Prakasam district and others.

....Respondents

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

Writ Appeal No.459 of 2015

PC: (Per Hon'ble Sri Justice S.V. Bhatt)

Heard learned counsel for the appellants and respondent No.1.

The appeal is directed against the order dated 5.11.2014 in Writ petition No. 26263 of 2010.

Respondent Nos. 2 to 4 in the writ petition are the appellants.

The 1st respondent herein filed the writ petition for Mandamus declaring the action of the appellants in withdrawing allotment of Special Plot and allotting the same to the 3rd respondent herein, as illegal, arbitrary and unconstitutional.

The admitted facts and circumstances of the case are as follows:

On 6.3.2010, the 2nd appellant allotted Special Plot to 1st respondent for a sum of Rs. 13,49,068/- and the amount is payable by the 1st respondent within a period of 90 days from the date of allotment. On 1.10.2010, the 2nd appellant has cancelled the allotment and allotted the Special Plot to the 3rd respondent herein. Challenging the arbitrary cancellation and

allotment to 3rd respondent, writ petition is filed.

The learned Single Judge while setting aside the cancellation of allotment has taken note of the singular circumstances in which the 1st respondent could not make timely payment of total consideration to appellants. The issue is examined objectively.

In our considered view, the learned Single Judge, having referred to the special facts and circumstances, has set aside the order canceling the allotment of the 1st respondent and consequential allotment made in favour of the 3rd respondent. We do not see any error in the exercise of jurisdiction by the learned Single Judge and accordingly we confirm the order in appeal.

We make it clear that the order in Writ petition No. 26263 of 2010 is passed in the peculiar facts and circumstances of this case and the same is not a precedent on the power of appellants to cancel or allot a plot to interested person.

With the above observations, this writ appeal is dismissed.

Pending miscellaneous applications shall also stand closed.
No order as to costs.

DILIP B. BHOSALE, ACJ

**S.V. BHATT,
J**

1st July, 2015

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