

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos. 9840, 9841 and 9844 of 2006

COMMON ORDER:

The controversy involved in these three writ petitions being one and the same, the same are taken up together and disposed of by this common order.

2. As per the pleadings in these writ petitions, which are not disputed, petitioners, who are entrepreneurs, have been allotted certain plots by the respondent-Corporation for the purpose of establishment of industries. Pursuant to the agreement entered into between the petitioners and the Corporation, petitioners were allotted plots and thereafter on fulfilling the conditions of agreement they are carrying on the business and utilizing the property for industrial purpose. The respective plots were registered by executing the sale deeds in their favour. After long lapse of time, the possession and enjoyment of the petitioners over the property, in question, was sought to be disturbed by issuance of the impugned notices. Questioning the said notices, petitioners have approached this court by these writ petitions.

3. Similar batch of writ petitions viz., W.P.Nos7320 of 2006 and batch were filed questioning the show cause notices issued therein and this court disposed of the same by order dated 16.12.2010 holding that the action of the Corporation is ultra vires and thereby set aside the

notices as illegal. Challenging the said order, the Corporation filed appeals viz., W.A.No.874 of 2011 and batch, which were dismissed by judgment dated 01.02.2012 upholding the judgment of the learned single Judge. The judgment was further followed by another learned Single Judge in yet another batch of cases viz., W.P.No.2806 of 2006 and batch, which was questioned in W.A.No.1493 of 2012 and batch and the same were dismissed by another Division Bench of this Court by judgment dated 12.11.2012.

4. Apparently, these aspects are not in dispute and are fairly conceded by the learned counsel for the respondent-Corporation. However, learned counsel for the respondent placed on record the order of the Hon'ble Supreme Court dated 03.05.2013 passed in SLP Nos.9198-9434 of 2013 directing a batch of cases challenging the Division Bench Judgment in W.A.No.1493 of 2012 and batch, wherein *status quo*, as on that date, was directed to be maintained.

5. In that view of the matter, learned counsel prays for keeping these matters pending and awaiting settlement of the matters before the Supreme Court. Having gone through the judgments placed before this Court and also the order of the Hon'ble Supreme Court, this Court finds no reason to keep these matters pending as the issue is settled. Keeping the matters pending before this Court will only add uncertainty with respect to the title to the property thereby causing hindrance for the entrepreneurs to raise finances with the Banks etc. Hence, the prayer of the learned counsel for the respondent-

Corporation cannot be acceded to considering the fact that the issue is settled by Division Bench Judgments of this Court.

Following the same, these writ petitions deserves to be allowed and are, accordingly, allowed in terms of the judgments of this Court in the writ appeals, referred to above. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

September 6, 2016
LMV

JUSTICE CHALLA KODANDA RAM

