

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.10224 of 2008

ORDER:

Heard Mr.K.Satyanarayana Murthy, learned counsel for petitioners and learned Government Pleader for Revenue for respondent Nos.1 and 3 to 5.

The petitioners pray for the following reliefs:

“The Hon'ble Court may be pleased to issue an order or direction more particularly one writ or direction or writ of Certiorari:

- (a) call for the records connected with and related to the impugned show cause notice bearing No.216/2008 (A) dated 01.04.2008 issued by the 5th respondent to the petitioners and directed them to deliver the petitioners' schedule land by alleging that the land held by the petitioners are assigned lands and further stated that respondent Nos.3 to 5 are intending to handover the petition schedule land to the 2nd respondent without initiating land acquisition proceedings. This action of the respondents is highly illegal, arbitrary, discriminatory and violative of Articles 14, 21, 48 and 300-A of the Constitution of India and also contrary to the judgment rendered by the Hon'ble High Court in the case of LDA-cum-RDO Chevella Vs.Melaka Pandu and others as reported in 2004 (2) ALD (LB), page 451 hence the common impugned show cause notice issued by the 5th respondent is liable to be quashed or set aside as the show cause notice is expacie, illegal; and
- (b) consequently direct the respondents not to evict the petitioners from their respective lands in terms of the impugned show cause notice No.216/2008 (A) dated 01.04.2008 without initiating the land acquisition proceedings and pay the compensation to the petitioners or to provide alternative lands, and to provide employment to their families

in terms of the directions of the Hon'ble High Court and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

On 02.05.2008, in WPMP No.13420 of 2008, the following order was passed:

"As a show cause notice dated 01.04.2008 was issued directing the petitioners to appear before Tahsildar to ventilate their grievances within a period of seven days from the date of receipt of a copy of the order, the petitioners are hereby directed to approach the Tahsildar and file their objections, so that the Tahsildar who is R6 may consider the said objections and pass appropriate orders. This exercise shall be done within a period of four weeks. Pending such consideration, the petitioners shall not be dispossessed if not already dispossessed from the lands in question. It is needless to observe that the petitioners shall cooperate with the enquiry. If for any reasons, the petitioners do not appear before the Tahsildar on the date fixed, it is open for the Tahsildar to pass appropriate orders."

The respondents filed petition to vacate the interim order, dated 02.05.2008. The counsel appearing for the respondents places on record G.O.Rt.No.201 Industries and Commerce (INF) Department, dated 13.04.2011. Paragraph '6' of the G.O., reads as under:

"The Government after careful examination of the matter in consultation with Law Department and keeping in view the amounts returned by the APIIC Ltd., to the company on its request, hereby cancel the Memorandum of Agreement entered into on 25.01.2007 by the Government of Andhra Pradesh with M/s.Odysee Science City India Private Ltd., treating the proposal of the company on establishment of the Science City as withdrawn."

He also places on record Communication of the Revenue Divisional Officer, Kadri *vide* Rc.No.656/2013/D, Dt:01.09.2016, to the effect that the MOU with the proponent M/s.Odyssey Science City India Private Limited was cancelled. The communication reads thus:

“Further I submit that, an amount of Rs.8,02,31,250/- was compensated to the land owners as ex gratia to the assignees and legal heirs to an extent of 641.85 acres to about 295 beneficiaries. Later, the lands are handed over to APIIC, Ananthapuramu. The requisition Company M/s. Odyssey Science City India Private Limited was withdrawn from the MOU with the State Government of Andhra Pradesh, the APIIC Limited returned the amount to the said company and in view of the above, the Government cancelled the MOU entered into on 25.01.2007 by the Government of Andhra Pradesh with M/s. Odyssey Science City India Private Limited, treating the proposal of the company on establishment of the science city as withdrawn *vide* G.O.Rt.No.201 Industries and Commerce (INF) Department dated 13.04.2011.

This is submitted for taking further action.”

The writ petition is disposed of by placing the above G.O and Communication on record, and the interim order protecting the possession of petitioners is made absolute. The respondents shall not dispossess the petitioners except in accordance with law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

S.V.BHATT,J

Dt:06.09.2016

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