

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.21498 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the inaction of the respondents in not considering the case of the petitioner company for conversion of annual license into long lease in respect of the land to an extent of Ac. 4.99 cents, situated in Survey No.412, Kakinada Port Area, Kakinada, East Godavari District, as illegal and arbitrary and consequently to direct the 1st respondent to issue orders for conversion of annual lease into long lease in respect of the land to an extent of Ac. 4.99 cents, situated in Survey No.412, Kakinada Port Area, Kakinada, East Godavari District.

2. Heard the learned counsel for both the parties and perused the material available on record. With the consent of the learned counsel for both the parties, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioner is that the petitioner company is the leaseholder of the land belonging to Kakinada Port, to the extent of Ac.4.99 cents, situated in Survey No.412, Kakinada Port Area, Kakinada, East Godavari District. The 1st respondent issued G.O.Ms.No.10, dated 16.11.2015, approving the proposals of the 2nd respondent for conversion of annual license into long lease in respect of 16 firms with the exiting lease rentals subject to the terms and conditions stipulated therein. The petitioner

company immediately submitted a representation, dated 19.11.2015, to the 1st respondent reiterating that the petitioner company made application for conversion of annual licence to long lease over the area it held by complying with all the requirements as sought and requested to consider the case of the petitioner company for conversion from annual licence to long lease. Subsequently, the 1st respondent issued G.O.Ms.No.11, dated 16.11.2015, deciding to review the existing lease rentals for allotment of Kakinada Port lands on long lease basis and accordingly, constituted committee for fixation of lease rentals for the lands being allotted on long lease basis at Kakinada Port to various firms including the allottees mentioned in G.O.Ms.No.10, dated 16.11.2015. The 2nd respondent addressed letters, dated 19.12.2012 & 01.04.2013, requesting the petitioner company to furnish details in the standard application format along with the company profile, annual accounts for the last two to three years and other details, if any, to examine the request for allotment for port land and long lease basis in detail after finalization of land policy by the 1st respondent.

The main grievance of the petitioner is that the case of the petitioner, in spite of total compliance of the requirements as sought by the respondents and recommendation made by the 2nd respondent, is not considered by the respondents.

Considering the facts and circumstances of the case and the grievance of the petitioner, this Court is of the view that the writ petition can be disposed of with the following direction:

The 1st respondent is directed to consider the case of the petitioner, on the basis of the recommendation made by the 2nd respondent and also in view of the representation, dated 19.11.2015, submitted by the petitioner, for conversion of the annual license to long lease and pass appropriate orders, as expeditiously as possible, in accordance with law.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Date: 14th July, 2017

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RAJA ELANGO, J

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