

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.34996 OF 2013

ORDER:

Heard Mr.Harinath for petitioners, Mr.Subba Rao, learned Government Pleader for respondents 1 to 5 and Ms.Anvesha for respondents 6 to 10.

The writ petition substantially is filed challenging the action of respondent No.5 in refusing to register or entertain sale deed for registration of land in an extent of Ac.3.11 cents in Survey No.39/3, Ac.2.49 cents in Survey No.39/9 and Ac.1.26 cents in Survey No.39/10 of Goturu Village, Vallur Mandal, Y.S.R. District in spite of petitioners completing the obligations of sale, as arbitrary, illegal and unconstitutional.

On 23.12.2013, this Court directed 5th respondent to entertain deed of conveyance as and when it is presented, however, the alienation is made subject to the result of the writ petition.

Respondents 1 to 5 filed WVMP No.330 of 2015. Consequently, there was no occasion for completing the registration of conveyance, and another circumstance namely the financing bank has taken possession of the 1st petitioner unit.

According to petitioners, they have complied with the condition of alienation by establishing the factory and on account of circumstances beyond their control, the industry could not run and hence they have entered into some arrangement with respondents 6 to 10 for taking over the factory in 'as is where is

condition' so that the purpose for which the Government land was granted is continuously taken care of. According to petitioners, if sale transaction is not allowed to be completed, the industry remains idle, the outstanding to the banks mounts up and the buyers/respondents 6 to 10 have already opened up another front of litigation in respect of same matter. Therefore, the conditions now referred to in the counter affidavit are completely not viable, which resulted huge loss and hardship to petitioners. The Government Pleader by referring to proceedings dated 03.01.2008 and also the accompanying annexure contends that the alienation of Government land was with a few conditions, but for the present, the condition to which reference is made by respondents is "the land shall be used for the purpose of setting up a refined oil complex and for no other purpose."

Therefore, according to Government Pleader, the alienation must always satisfy the requirement of establishment of refined oil complex. To the pointed query of the Court, whether it is the policy of the State Government to run industries incurring losses, he fairly submits on the necessity of alienating the land for any other industrial purpose will have to be considered and appreciated by District Collector/respondent No.2 and necessary orders are passed. The Counsel consent to disposing of the writ petition by this order:

Petitioners and respondents 6 to 10 are given liberty to file representation before 2nd respondent setting out the broad details of alienation of land and building by enclosing a copy of this order

within four weeks from today. The 2nd respondent keeping in view the industrial policy of the State and also insufficient industrialisation of this area considers the request and takes a decision within two months from the date of such representation. The parties if get favourable order can thereafter go before the financing bank and work out their remedies in this behalf. Alternatively, if the parties are not aggrieved by the legal grounds urged in this behalf and are kept intact, they can be agitated in accordance with law.

The writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 27.07.2017
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S.V. BHATT, J