

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

WRIT APEAL Nos.1846 & 1890 of 2017

Common Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

These two appeals are preferred against the common order passed by the learned Single Judge in W.P. Nos. 18981 of 2007 and 32861 of 2011 dated 18.9.2017. While W.A. No. 1846 of 2017 is preferred against the order passed by the learned Single Judge in W.P. No. 18981 of 2007, W.A. No. 1890 of 2017 is preferred against the order passed in W.P. No. 32861 of 2011. As the appellants herein are also respondents 9 and 10 in W.P. No. 18981 of 2007, it is convenient to refer to the parties as they are arrayed in the said Writ Petition.

The petitioners filed W.P. No. 18981 of 2007 to declare the inaction of respondents 2 to 4, in not executing a sale deed in their favour by collecting Rs.350/- per square yard as per the rate quoted by the District Collector, Visakhapatnam based on the report of the Sub-Registrar, Anakapalli for the land admeasuring Acs. 2.36 cents in Survey No. 621 of Kothavuru Village, Anakapalli Mandal, Visakhapatnam District, in compliance with the directions issued by the Government in GO Rt. No. 375 dated 25.6.2007, as arbitrary and illegal, and for a consequential direction to respondents 2 to 4 to execute the sale deed in their favour strictly in

accordance with the orders passed by the Government in the said G.O.

Respondents 9 and 10 in the said Writ Petition filed W.P. No. 32861 of 2011 to declare GO Rt. No. 375 dated 25.6.2007, and the inaction of respondents 1 to 3 in not considering the letter of the 4th respondent dated 6.10.2007 to revise the orders in the said G.O, and to regularise the lands in their favour by collecting the amounts as stipulated for the land admeasuring Acs. 293.33 square yards and 274 square yards in Survey No. 621, situated at Kotturu Village, Anakapalli Taluq, Visakhapatnam, as arbitrary and illegal. A consequential direction was sought therein to set aside GO Rt. No. 375 dated 25.6.2007 issued by the 1st respondent, and to direct respondents 1 to 3 to regularize the lands in their favour.

Facts, to the limited extent necessary, are that the Government issued G.O. Ms. No. 994 dated 11.11.1969 according sanction for disposal of the stoneware and earthenware products unit at Anakapalli for Rs.73,442.72ps. to the 1st petitioner, the highest tenderer, on the conditions mentioned in the said GO which, among others, required him to pay 25% of the tender amount immediately, and the balance in ten equal half yearly instalments; after payment of 25% of the tendered amount, an agreement should be entered into before handing over the unit; ownership of the unit was to remain with the Government till the last instalment was

paid, after which registration of the unit was to be done in favour of the 1st petitioner; and the 1st petitioner was required to pay interest at 8% per annum on the balance amount due to the Government, or as notified by the Government from time to time. The Government reserved its right to levy penal interest in case of delayed payment of instalment; and the unit was to be run in the present place and building only. The Director of Industries was requested to take immediate action to handover the unit to the 1st petitioner in accordance with the orders issued by the Government, and to ensure recovery of the balance amount.

While the 1st petitioner appears to have paid the principal and the interest, albeit belatedly, the Commissioner of Industries levied penal interest of Rs.47,045.74ps. for delayed payment. The State Government vide GO Ms. No. 614 dated 2.12.1986, taking into consideration the letter of the Commissioner of Industries dated 1.9.1986, decided to write off the penal interest of Rs.47,045.74ps. as on 31.7.1986. The Commissioner of Industries was requested to hand over the unit to the 1st petitioner, subject to the condition that he ran the unit at the same place as stipulated in GO Ms. No. 994 dated 11.11.1969, and he withdrew the Suit filed by him in the District Munsif Court at Anakapalli.

The 1st petitioner had filed a suit in the Court of the Principal District Munsif, Anakapalli seeking an order of injunction restraining the State Government from interfering

with his peaceful possession and enjoyment of the property handed over to him. Despite the orders issued in GO Ms. No. 614 dated 2.12.1986, he did not withdraw the suit filed by him. The Principal District Munsif, Anakapalli, taking into consideration the orders issued in GO Ms.No.614 dated 2.12.1986, and by his judgment in O.S. No. 37 of 1980 dated 10.4.1987, granted perpetual injunction in favour of the 1st petitioner restraining the State Government from interfering with his peaceful possession and enjoyment of the property. Aggrieved thereby, the District Collector, Visakhapatnam filed A.S. No. 32 of 1989 before the Subordinate Judge, Anakapalli on 22.7.1987. The appeal was partly allowed by order dated 24.4.1997, the injunction granted by the Principal District Munsif, Anakapalli was modified, and a prohibitory injunction was granted restraining the Government from interfering with the 1st petitioner's possession over the suit property till he was evicted therefrom under the process of law by establishing the right of the Government. Aggrieved thereby, the Government preferred S.A. No. 38 of 1998 before this Court which was disposed of in terms of GO Ms. No. 614 dated 2.12.1986 with the observation that the right of the 1st petitioner to remain in possession was not liable to be interfered with.

While matters stood thus, one Sri K. Appa Rao submitted a representation, to the District Collector on 18.1.2000, stating that his wife Smt. K. Parvathi had

purchased an extent of 0.6 cents of land in Survey No. 621 of Kothavuru Village, Anakapalli Mandal, Visakhapatnam from Smt. T. Gurumamba during the year 1991 without knowing that there was a Court case pending. This representation was forwarded to the General Manager, District Industries Centre, Visakhapatnam for further action. The Mandal Revenue Officer, Anakapalli was directed, by the District Collector, Visakhapatnam, to enquire into the matter who, in turn, requested the District Collector to obtain legal opinion as it was not established whether the 1st petitioner had title over the lands in order to sell the same.

The District Collector forwarded the report of the Mandal Revenue Officer to the Commissioner. In the meanwhile, the State Government requested the Commissioner of Industries, vide Memo dated 16.3.2001, to confirm whether the market value of the land, where the stoneware and earthenware unit was located at Anakapalli, was Rs.350/- per square yard as furnished by the Sub-Registrar, Anakapalli, by addressing a letter to the District Collector, Visakhapatnam immediately. The Commissioner of Industries, vide his letter dated 27.7.2001, enclosed a copy of the letter of the District Collector, Visakhapatnam stating that, according to the Mandal Revenue Officer, the basic value of the land was Rs.180 per square yard.

The State Government, vide GO Ms. No. 644 dated 29.8.2001, decided to collect a lumpsum amount against the

property handed over to the 1st petitioner, as per the rate quoted by the District Collector, Visakhapatnam based on the report of the Sub-Registrar, Anakapalli, pertaining to Survey No. 621 wherein the stoneware and earthenware unit was located. Despite the Government having decided, vide Go Ms. No. 644 dated 29.8.2001, to hand over the land to the 1st petitioner on payment of Rs.350/- per square yard, no further action was taken pursuant thereto.

After GO Ms. No. 644 dated 29.8.2001 was issued, the 1st petitioner submitted a representation on 5.9.2001 stating that the Government had handed over the stoneware and earthenware product unit at Anakapalli at Rs.73,442.72ps.; he had run the unit successfully for some time; unfortunately, the unit had drowned during the Sarada river floods in the year 1977, the furniture was washed away completely, and the entire machinery was spoilt and rusted beyond repair; and he had paid Rs.1,03,526.08 inclusive of interest 15 years ago. The 1st petitioner requested that the land be handed over to him, and a title deed be issued, without insisting on any further payment since he had cleared all the dues.

The Commissioner of Industries, vide his letter dated 21.9.2001, informed the State Government that he had directed the General Manager, District Industries Centre to take action for remittance of the lumpsum amount, as fixed by the Government in GO Ms. No. 644 dated 29.8.2001, by

the 1st petitioner, and to credit the amount to the Government Head of Account; and no instructions were issued by the said GO regarding execution of a sale deed on collection of the lumpsum amount at Rs.350/- per square yard. He requested the State Government to issue necessary orders regarding execution of a sale deed after collecting the amount at Rs.350/- per square yard for the land admeasuring 2.36 acres situated in Survey No. 621 of Kothavuru Village, Anakapalli Taluq, Visakhapatnam District in which the stoneware and earthenware unit was located.

Based on the request of the Commissioner, in his letter dated 7.6.2006, the State Government issued GO Rt. No. 375 dated 25.6.2007 according permission to the Commissioner of Industries to collect Rs.350/- per square yard, as per the rate quoted by the District Collector, Visakhapatnam based on the report of the Sub-Registrar, Anakapalli, from the 1st petitioner for the land admeasuring 2.36 acres situated in Survey No.621, and to execute a sale deed in the 1st petitioner's favour.

It is relevant to note that, while the price of Rs.350/- per square yard was fixed vide GO Ms. No. 644 dated 29.8.2001, the Commissioner was directed to execute a sale deed, for the very same amount, six years thereafter vide GO Rt. No. 375 dated 25.6.2007. On the ground of non-implementation of GO Rt. No. 375 dated 25.6.2007, the 1st petitioner invoked the jurisdiction of this Court filing W.P.

No.18981 of 2007. A couple of months after the said Writ Petition was filed, the 1st petitioner died on 24.9.2007, resulting in the 2nd petitioner bringing himself on record as the 1st petitioner's legal representative.

The case of respondents 9 and 10, however, is that the General Manager, District Industries Centre, Visakhapatnam informed the Commissioner of Industries, vide letter dated 20.4.2006, that the 1st petitioner had submitted a representation dated 8.11.2005 stating that he was willing to pay Rs.5.00 lakhs instead of Rs.39,97,840/- as stipulated in GO Ms. No. 644; subsequently, by another representation dated 30.1.2006, the 1st petitioner had informed that he was in possession of the entire extent of 2.36 acres, and no sale transaction had been made by him; however, as per the report of the Industrial Promotion Officer, the 1st petitioner had sold the subject land under ten sale deeds registered in March/April, 1987 itself; the Commissioner had, while enclosing a copy of the report of the General Manager, District Industries Centre, informed the Government, vide letter dated 7.6.2006, that legal opinion should be obtained; meanwhile, O.S. No. 80 of 2006 was filed by Sri Konala Venkata Reddy (who purchased an extent of 0.29½ cents of land from Smt. P. Uma Devi) before the Principal Senior Civil Judge, Anakapally making the State of Andhra Pradesh and Sri P.Venkata Ramana Rao as the respondents; and the Suit was still pending.

The counter affidavit of the 2nd respondent refers to the fact that the 1st petitioner had sold the lands during the year 1987, without having any title over the land; the 4th respondent had addressed a letter to the Government on 6.10.2017 to take the sale transactions, made by the 1st petitioner to ten members in 1987, into account and issue suitable revised orders as it may lead to legal complications; and, in the meanwhile, the 1st petitioner had filed W.P. No. 18981 of 2007 before this Court.

In the order under appeal the learned Single Judge, after taking note of the fact that the Government had issued memo dated 26.9.2007 to take action for execution of the sale deed in favour of the 1st petitioner with respect to the subject land after collecting Rs.350/- per square yard, held that the action of respondents 2 to 4, in not complying with the directions issued by the State Government in GO Rt. No. 375 dated 25.6.2007, was illegal, arbitrary and in contravention of the orders issued by the Government. W.P. No. 18981 of 2007 was allowed directing respondents 2 to 4 to execute a sale deed in respect of the subject land in favour of the 2nd petitioner, who was the legal heir, after collecting the amount as per GO Rt. No. 375 dated 25.6.2007. The amount, if any, already paid by the petitioners was directed to be deducted.

With respect to W.P. No. 32861 of 2011, the learned Single Judge observed that the question whether respondents 9 and 10 acquired better title, by virtue of the sale deeds

executed by the 1st petitioner in their favour, was a matter to be adjudicated before the Civil Court; and this Court would not entertain the claim of those petitioners, particularly as the scope of interference in proceedings under Article 226 of the Constitution of India was extremely limited in case of disputes which were civil in nature. W.P. No. 32861 of 2011 was, therefore, dismissed. Aggrieved thereby, respondents 9 and 10 have preferred these two Writ Appeals.

Sri R. Raghunandan, learned Senior Counsel appearing on behalf of the appellants (respondents 9 and 10), would submit that as the 1st petitioner had alienated the subject land in its entirety in favour of ten individuals, it could no longer be contended that a sale deed should be executed in favour of the 2nd petitioner; the claim of the 2nd petitioner was based entirely on the claim of the 1st petitioner as he was only the latter's legal heir; having alienated the entire extent in favour of third parties, a part of which was in turn purchased by respondents 9 and 10, it was not open to the petitioners to now seek registration of the subject land in their favour; the relief granted in the Writ Petition would only result in multiplicity of legal proceedings as execution of a sale deed by the Government, in favour of the 2nd petitioner, would in turn require respondents 9 and 10 to institute proceedings against the 2nd petitioner before the competent Civil Court; and as respondents 9 and 10 are in physical possession of the subject land, GO Rt. No. 375 dated 25.6.2007 should be

cancelled, and the Government should be directed to regularize the land in favour of respondents 9 and 10, who purchased the land from persons who had purchased them from the 1st petitioner.

Sri M. Rama Rao, learned counsel for the respondents-writ petitioners, would deny the petitioners having ever alienated the subject land in favour of third parties in March/April, 1987. Learned Counsel would contend that the petitioners continue to retain possession over the subject land; though the 1st petitioner had paid the entire consideration with interest, more than four decades ago, the State Government had, while agreeing to waive the penal interest, called upon the 1st petitioner to pay Rs.350/- per square yard; the 2nd petitioner was ready and willing to forthwith pay the market price fixed at Rs.350/- per square yard; and, in such circumstances, the learned Single Judge was justified in directing the State Government to implement the earlier orders issued by them.

While drawing our attention to the counter-affidavit filed by the Deputy Director of Industries, learned Government Pleader for Industries would submit that contrary to the conditions of alienation which required the unit, established in the subject land to be operated, the 1st petitioner had converted the subject land into plots, and had alienated the entire land in favour of third parties in March/April, 1987; and it is in such circumstances that the Deputy Director of

Industries had addressed a letter to the Government requesting that a direction be issued to allot the subject land to respondents 9 and 10 and others, who had purchased the subject land from the 1st petitioner in March/April, 1987.

As noted hereinabove, the 1st petitioner had submitted a bid for Rs.73,442.73ps seeking allotment of the land in Survey No. 621 of Kothavuru Village, Anakapalli Taluq, Visakhapatnam District, to operate the stoneware and earthenware products unit located thereat. The conditions, subject to which the unit was disposed of, are those referred to in GO Ms. No. 994 dated 11.11.1969. Among the stipulated conditions, is that the unit should be run at the present place and building only. While writing off the penal interest of Rs.47,045.74ps. as on 31.7.1986, the State Government had, vide GO Ms. No. 614 dated 2.12.1986, directed the Commissioner of Industries to handover the unit to the 1st petitioner, who had purchased the same, subject to the condition that he ran the unit at the same place stipulated in GO Ms. No. 994 dated 11.11.1969, and subject to the condition that he would withdraw the suit filed by him, which he failed to, and, as noted hereinabove, eventually culminated in an order being passed by this Court in S.A. No. 38 of 1998 dated 4.9.1998.

For a period of fifteen years, after G.O.Ms.No.614 dated 2.12.1986 was issued, no action was taken till GO Ms. No. 644 dated 29.8.2001 was issued by the Government deciding

to collect a lumpsum amount, against the property handed over to the 1st petitioner, at Rs.350/- per square yard (i.e Rs.39,97,840/-). The land in Survey No. 621, wherein the stoneware and earthenware products unit was located, was alienated in favour of the 1st petitioner, vide GO Ms. No. 994 dated 11.11.1969, on condition that the unit should be run at the present place and building only; and culminated in the Government deciding later, vide GO Ms. No. 644 dated 29.8.2001, to hand over the subject property on collection of a lump-sum amount of Rs.350/- per square yard, even though the 1st petitioner had failed to fulfill the earlier condition imposed, both vide G.O.Ms.No.994 dated 11.11.1969 and G.O.Ms.No.614 dated 02.12.1986, to run the unit on the subject land only. It is only after GO Ms. No. 644 dated 29.8.2001 was issued, did the 1st petitioner submit a representation on 29.8.2001 informing the Government that the unit had drowned in Sarada river floods in the year 1977, the furniture was washed away completely, and the entire machinery was spoilt and rusted and was beyond repair.

The 1st petitioner's claim, of the unit having drowned in Sarada river floods in 1977, is not reflected either in G.O.Ms.No.614 dated 02.12.1986 or in GO Ms. No. 644 dated 29.8.2001 whereby the Government decided to handover the property to the 1st petitioner at Rs.350/- per square yard (i.e Rs.39,97,840/-). It is undoubtedly a matter of concern that, even six years thereafter (after GO Ms. No. 644 dated

29.8.2001 was issued), the State Government, vide GO Rt. No. 375 dated 25.6.2007, should have accorded permission to the District Collector to execute the sale deed collecting the very same price of Rs.350/- per square yard, as referred to in GO Ms. No. 644 dated 29.8.2001, though six years had elapsed in the interregnum. While the 1st petitioner had submitted a representation on 8.11.2005 (more than four years after GO Ms. No. 644 dated 29.8.2001 was issued) expressing his willingness to pay Rs.5.00 lakhs, instead of at Rs.350/- per square yard (i.e Rs.39,97,840/-), Sri M. Rama Rao, learned counsel for the petitioners, would submit that the 2nd petitioner is now ready and willing to pay Rs.350/- per square yard (i.e Rs.39,97,840/-) forthwith on condition that the State Government executes a sale deed in his favour. The price fixed at Rs.350/- per square yard (i.e Rs.39,97,840/-) in August, 2001, ie, sixteen years ago, is now sought to be paid by the 2nd petitioner in the year 2017, provided a sale deed is executed in his favour. What is even more disconcerting is that third parties should now intervene, and claim that the State Government should alienate its land in their favour, contending that the 1st petitioner had sold the land in 1987 to them.

If, as is now contended before us by Sri R. Raghunandan, learned Senior Counsel appearing on behalf of respondents 9 and 10, the subject land was alienated by the 1st petitioner in favour of others in 1987, (which is just four

months after GO Ms. No.614 dated 2.12.1986 was issued stipulating the specific condition that the 1st petitioner should run the unit at the same place as is stipulated in GO Ms. No. 994 dated 11.11.1969), then the 1st petitioner has sold the subject land even without having title over the said land, and in utter disregard of the conditions stipulated in GO Ms. No. 614 dated 2.12.1986 whereby the penal interest was written off on condition that the unit, located in the subject land, was run by the 1st petitioner. It defies reason that the Additional Director of Industries should recommend that, instead of the petitioners, the subject land be regularized in favour of those who had allegedly purchased the land from the 1st petitioner, even though the latter had no title over the said land when he alienated it in favour of third parties.

It is evident, from the facts noted hereinabove, that the very object for which the unit was sold, along with the land, was for operation of the stoneware and earthenware unit located thereat. If the petitioners' assertion is true, then the unit ceased to function in the year 1977 itself more than nine years before G.O.Ms.No.614 dated 02.12.1986 was issued. It is extremely doubtful that the unit was submerged in the floods in 1977 since GO Ms. No.614 dated 2.12.1986, (wherein also a similar condition that the 1st petitioner should run the unit at the same place is specified), makes no reference to any such event. If, as is contended by the 1st petitioner, the unit had submerged in 1977, he should then

have expressed his inability to run the unit soon after GO Ms. No.614 dated 2.12.1986 was issued.

Though GO Ms. No.644 dated 29.8.2001 was issued 16 years after G.O.Ms.No.994 dated 11.11.1969 was issued, no reference is made even therein to the 1st petitioner's unit having been damaged because of the 1977 floods, and the furniture and machinery having been destroyed as a result thereof. It is only after GO Ms. No.644 dated 29.8.2001 was issued did the 1st petitioner, for the first time by his representation dated 5.9.2001, refer to the unit having drowned in the floods, which occurred twenty four years ago in the year 1977. This unverified assertion of the 1st petitioner appears to have formed the basis for the decision of the State Government to execute a sale deed on payment of Rs.350/- per square yard (i.e the market value as recommended by the Commissioner of Industries vide his letter dated 27.7.2001) without the 1st petitioner being required to run the unit located in the subject land.

A writ of mandamus is not a writ of course or a writ of right but is, as a rule, discretionary. **(C.R. Reddy Law College Employees' Association, Eluru, W.G. District v. Bar Council of India, New Delhi¹)**. As the extra-ordinary jurisdiction of the High Court, under Article 226 of the Constitution of India, is discretionary, it is not to be exercised merely because it is lawful to do so. The very amplitude of the

¹ 2004(5) ALD 180 (DB)

jurisdiction demands that it will, ordinarily, be exercised subject to certain self-imposed limitations, (**Thansingh Nathmal v. Supdt. of Taxes**²), and not as a matter of course. The discretionary jurisdiction, under Article 226 of the Constitution of India, must be exercised with great caution and only in furtherance of public interest, and not merely on the making out of a legal point. Larger public interest must be kept in mind in order to decide whether intervention of the Court is called for or not (**Master Marine Services Pvt. Ltd v. Metcalfe and Hodgkinson Pvt Ltd**³; **Air India Ltd v. Cochin International Air Port Ltd**⁴; **Rashpal Malhotra v. Mrs. Saya Rajput**⁵; **Council of Scientific and Industrial Research v. K.G.S. Bhatt**⁶). Even if a legal flaw might be electronically detected, this Court would not interfere save manifest injustice or unless a substantial question of public importance is involved. (**Rashpal Malhotra**⁵; **K.G.S. Bhatt**⁶). Larger public interest would only be served if the best possible price is obtained for alienation of Government lands, and the land is alienated through a fair and transparent process. While the most fair and transparent mode of alienating Government lands would be by way of public auction, the question whether the Government should be directed to implement GO Rt. No. 375 dated 25.6.2007 at a price prevailing in July, 2001, sixteen years thereafter in the

² AIR 1964 SC 1419

³ (2005) 6 SCC 138

⁴ (2000) 2 SCC 617

⁵ AIR 1987 SC 2235

⁶ AIR 1989 SC 1972

year 2017, ought to have been left for the decision of the Government, after directing them to take into consideration all relevant factors including that the petitioner had failed to comply with the specific condition that the stoneware and earthenware unit should be run on the said land; and as alienation of Government land, vide G.O.Ms.No.994 dated 11.11.1969 was subject to this condition, failure to abide by the condition would, ordinarily, have enabled the Government to resume the land.

Prerogative Writs fall within the inherent superintending and reforming power of the Superior Court, the exercise of which is by its very nature discretionary. (**Immeubles Port Louis Itee v. Lafontaine (Village)**⁷). An applicant, for a prerogative Writ, is not in the position of a litigant who seeks to assert some right to which he claims he is entitled. He is rather a suppliant who seeks to invoke those remedial measures on the ground that the High Court would wish to correct some irregularity in the administration of justice, which has caused him to be aggrieved, so that justice may be done. Whether the order sought will be granted or refused is a matter wholly within the Court's discretion. Prerogative orders are not to be claimed as of right. (**Regina v. Herrod, Ex parte Leeds City District Council**⁸; **Immeubles Port Louis Itee**⁷). When once it is established that, in deciding whether or not a particular relief should be granted, the Court

⁷ (1991) 1 SCR 326, 1991 CanLII 82 (SCC)

⁸ [1976] Q.B. 540

is entitled to inquire into the circumstances of the case, in order to ascertain whether it is proper or not proper to grant the remedy sought, the case must be one of discretion. **(Rex v. Stafford Justices, Ex parte Stafford Corporation⁹; Regina⁸; Immeubles Port Louis Itee⁷).**

The petitioners have not shown any modicum of right for alienation of Government land in their favour, despite their failure to run the unit on the subject land, though alienation in favour of the first petitioner, vide G.O.Ms.No.994 dated 11.11.1969, was on the specific condition that the stoneware and earthenware unit should be run on the subject land which, admittedly, the petitioners failed to do. Further, as the petitioners did not have any title over the subject land in 1987, they could not have alienated it in favour of third parties. Respondents 9 and 10 and others, who claim to have purchased the land from those who purchased it from the 1st petitioner in the year 1987, have no right to claim that the Government should regularize/alienate the subject land in their favour. The Learned Single Judge was, therefore, justified in dismissing the Writ Petition filed by them.

The question whether the subject land should now, in the year 2017, be alienated in favour of the petitioners, that too at Rs.350/- per square yard (which is said to be the market rate prevailing in the year 2001), is for the Government to consider strictly in accordance with law

⁹ [1940] 2 K.B. 33 (C.A)

bearing in mind that Government lands cannot be alienated for the mere asking, that too without following a fair and transparent mode of alienation.

We consider it appropriate, therefore, to modify the order under appeal, and direct the State Government to consider with utmost expedition, and in any event not later than four months from the date of receipt of a copy of this order, whether or not the subject land should be alienated in favour of the petitioners and, if so, at what price. The Government shall take into consideration all relevant factors, including those indicated in this order, while deciding whether or not the subject lands should be alienated in favour of the 2nd petitioner herein.

Both the Writ Appeals are, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

GUDISEVA SHYAM PRASAD, J

13th December, 2017.

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**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**



WRIT APEAL Nos.1846 & 1890 of 2017

13.12.2017