

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Mr. JUSTICE M. GANGA RAO

Writ Appeal No.32 of 2018

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

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P. No. 40917 of 2017 dated 13.12.2017, whereby the learned Single Judge directed the parties to maintain status-quo as regards possession of the subject property till the next date of hearing, and posted the matter to 28.12.2017 in the adjourned motion list.

While the learned Advocate General would submit that the interim order ceased to remain in force thereafter, Sri P. Venugopal, learned Senior Counsel appearing on behalf of the 1st respondent-writ petitioner, would submit that the said order continues to remain in force as on date. Since we have not been invited to examine this issue, it is wholly unnecessary for us to dwell on this aspect any further.

The grievance of the appellants is with regards the omnibus directions issued by the learned Single Judge directing the appellants to file a counter-affidavit, advertng to the total extent of land acquired from 2005 till date in Nellore District, the total number of allotments made from 2005 till date by the A.P Industrial and Infrastructure Corporation Limited(APIIC), what are the assurances given by the applicants as regards investment, creation of employment etc, and the actual performance of these promises by the allottees of APIIC.

Learned Advocate General for the State of A.P would submit that the omnibus enquiry sought to be caused, by the order under appeal, goes far beyond the dispute raised, and the relief sought for, in the Writ Petition; and the dispute in the Writ petition is confined only to whether

or not the 1st respondent-writ petitioner had complied with the conditions of allotment, of commencing their industrial operations, within two years from the date on which the land was allotted in their favour. Sri P.Venugopal, learned Senior Counsel appearing on behalf of the 1st respondent-writ petitioner, would fairly state that the 1st respondent-writ petitioner's grievance is confined to the cancellation of his allotment; and the 1st respondent-writ petitioner is not concerned with the allotment of land made to others.

The contents of the counter-affidavit to be filed is for the appellants (respondents in the Writ petition) to decide; and failure on their part to advert to relevant and material facts, may justify an adverse inference being drawn by this Court. Save in Writ Petitions filed in public interest i.e PIL Writ Petitions, where this Court may be justified in calling for information in deciding issues arising in larger public interest, in Writ Petitions, such as the present where the 1st respondent-writ petitioner's complaint is confined to cancellation of their industrial plots, it may not be necessary for the appellants (respondents in the Writ Petition) to be called upon to furnish information regarding allotment of land to all industrial units in Nellore District, ever since 2005, as such an enquiry would encompass issues which are far beyond the dispute raised, by the 1st respondent-writ petitioner, in the Writ petition.

While setting aside the aforesaid directions of the learned Single Judge, we make it clear that our observations shall not be construed as enabling the appellants not to provide relevant and material information. All that we have observed is that the contents of the counter-affidavit to be filed is for the appellant-respondents to decide and, in case, relevant and material facts, necessary for adjudication of

the lis, are not furnished, it is always open to the Court to draw an adverse inference against the appellants herein.

With the aforesaid observations and directions, the Writ Appeal is disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(M. GANGA RAO, J)

24th January, 2018

pnb



THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Mr. JUSTICE M. GANGA RAO



Writ Appeal No.32 of 2018

Date: 24.1.2018

pnb