

by HON'BLE THE CHIEF JUSTICE  
SRI THOTTATHIL B. RADHAKRISHNAN  
AND  
HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.29366 OF 2017

ORDER: (ORAL) (Per the Hon'ble Sri Justice S.V.Bhatt)

The A.P.High Court Employees Mutually Aided Co-operative Housing Society is the petitioner. The instant writ petition is filed for Mandamus declaring the action of 2<sup>nd</sup> respondent in interfering with the possession and enjoyment of land to an extent of Ac.39 acres in Sy.No.25 Part and 1 to 9 at Kancha Gachibowli, Ranga Reddy District, as arbitrary, illegal and unconstitutional.

The petitioner filed W.P.No.19939 of 2017 challenging the order of resumption and this Court granted interim order in W.P.M.P.No.24385 of 2017 by referring to the said order on 31.08.2017, the following interim direction has been granted.

"It is brought to the notice of this Court that earlier the petitioner filed W.P.No.19939 of 2017 before this Court and in WPMP.No.24385 of 2017 this Court passed interim order, directing the respondent revenue authorities therein not to interfere with the possession and enjoyment of the petitioner-society, until further orders.

In view of the same, there shall be interim direction as prayed for".

The operative portion and directions with regard to W.P.No.19939 of 2017 issued in common order in W.P.No.18935 of 2007 and batch read as follows:

"We hasten to add that the findings on either unilateral cancellation of land alienated or orders of resumption or reviewed in the peculiar fact situation of the

cases heard and disposed of by separate orders, therefore, the conclusions in this behalf are not to understand as the expressing a view on the power of competence of 1<sup>st</sup> and 2<sup>nd</sup> respondent to revisit in given cases for recalling the grant. These conclusions are not to be understood as expressing a view on these legal/factual issues and they are considered in the light of material placed before Court as and when the issue arises for consideration.

For the above reasons, we are of the view that G.O.Ms.No.102 is unsustainable and is accordingly set aside, however, subject to further directions issued in this behalf by this common order”.

Having regard to the order in connected writ petitions, this court disposes of the writ petition on the same lines. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, stand closed. No order as to costs.



THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

28<sup>th</sup> December, 2018

Prv