

THE HON'BLE SRI JUSTICE M.GANGA RAO

W.P.NO.11232 OF 2004

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus to direct the 1st respondent-Government to act and take further steps strictly in accordance with the terms specified in Memo No.56720/Assn.V(1)/2001-1 dated 16.06.2003 and consequently direct the respondents or any person/s claiming through or under, from interfering with the peaceful possession of the property conveyed to the petitioner vide conveyance deed dated 20.01.1972 by the Government of Andhra Pradesh.

2. The brief facts of the case are that the petitioner-Hindustan Machine Tools Limited is a Company incorporated under the Companies Act, 1956, wholly owned subsidiary of HMT Limited-a Government of India undertaking (for brevity 'HMT').

3. The State of Andhra Pradesh acquired the lands about Acs.888.00 guntas under the provisions of the Land Acquisition Act, 1894, for public purpose with absolute rights and agreed to transfer the lands for the purpose of establishing and undertaking for manufacturing machine tools through HMT Limited. The transfer was considered

beneficial to the new economic and social development of the State and the State transferred the said lands to HMT through conveyance deed dated 20.01.1972.

4. HMT was put in possession of the said land on 24.06.1968 and HMT constructed a factory and other ancillary buildings and structures required for the said purpose and for the benefit of the employees. The following are the conditions imposed for the said transfer:-

- 1) The transferee shall use the lands for putting up necessary buildings and works for the above said purpose and for the benefit of its employees.
- 2) The transferee shall relinquish and restore the lands to the transferor when it is no longer required for the aforesaid purpose.
- 3) The transferee shall not sub-lease or otherwise misuse the lands or use the same for a purpose other than the one for which it was conveyed.
- 4) In the event of any violation of any of the aforesaid conditions, the transferor shall be at liberty to resume possession of the lands, and
- 5) The transferee shall pay revenue land kist and other taxes payable in respect of the lands under any law of the State to the Government or to any authority empowered to receive the same.

5. As per the terms and conditions of the conveyance deed, the Mandal Revenue Officer, Quthbullapur Mandal-3rd respondent without prior notice suddenly served a letter bearing No.916/90, dated 12.07.1996 on the General Manager, HMT, on 26.07.1996 duly referring the letter bearing No.D5/5021/93, dated 29.03.1996 of the Collector, Ranga Reddy District, stating that he was directed to

resume the land to an extent of Acs.106.35 guntas in Sy.No.348/1, situated at Quthbullapur Village describing it as Government land and HMT was requested to handover the said land to Mandal Revenue Inspector. The 3rd respondent addressed a letter bearing No.A/916/90, dated 17.09.1996 stating that as the HMT failed to deliver the land to the Mandal Revenue Inspector, the Mandal Revenue Inspector resumed the land as Government land by conducting Panchanama. The petitioner filed W.P.No.22199 of 1996 questioning the action of the respondents-authorities and sought for stay of all further proceedings pursuant to the letters dated 12.07.1996 and 17.09.1996. This court passed an interim order restraining the respondents from interfering with the possession of the petitioner's land and the same was made absolute. The District Collector, Ranga Reddy, vide letter bearing No.LC3/5021/93, dated 18.10.2003 addressed a letter to the Chairman and Managing director of the petitioner-Company with a request to deliver the possession of the land to an extent of Acs.5.20 guntas, in advance, for developing a Stadium by the Quthbullapur Municipality. The Quthbullapur Municipality also addressed a letter to the petitioner on 20.10.2003 seeking advance physical possession of the land in Sy.Nos.223, 224, 237 and 238/part situated beside the Municipal Office, Quthbullapur

Municipality. The petitioner vide letter dated 21.10.2003 informed the District Collector, Ranga Reddy, that the issue pertaining to surrender of portion of land in possession of the petitioner is pending with the State Government of A.P and, therefore, it is not possible to consider separately the proposals for surrender of the land at this juncture for construction of a Mini-Stadium. Accordingly, the District Collector approached the State Government authorities.

6. While things stood thus, the Quthbullapur Municipality making attempts to encroach upon the land without any right or authority to carry out construction of Mini Stadium. The petitioner protested the same vide letter dated 27.01.2003 and a copy was marked to Circle Inspector, Jeedimetla Police Station, seeking assistance but no assistance was rendered by the police. The petitioner again reminded the Commissioner, Quthbullapur Municipality, vide letter dated 31-11-2003 not to encroach upon the land of the petitioner. Further, the petitioner had also lodged a complaint in Jeedimetla Police Station on 01.05.2004 against the employees of the Quthbullapur Municipality when they made attempts to dig the land of the petitioner for construction of Mini Stadium. But, police have not extended any assistance to the petitioner. The petitioner also addressed a letter to the Quthbullapur Municipality not to encroach the land of the petitioner and

not to carry out construction work vide letter dated 01.05.2004. The petitioner has once again vide letter dated 24.06.2004 addressed a letter to the Quthbullapur Municipality to stop the proposed illegal construction of Stadium duly marking a copy of the same to the District Collector, Ranga Reddy District. But none of the revenue authorities or the Municipal authorities has taken into account the pleas of the petitioner and going ahead with the illegal construction. In those circumstances, the petitioner filed the present writ petition.

7. This court while admitting the writ petition on 07.07.2004 granted *status quo* obtaining as on 07.07.2004 shall be maintained.

8. On behalf of the respondents, the 3rd respondent filed counter duly admitting the conveyance of the lands to the petitioner through the conveyance deed dated 20.01.1972 with the conditions mentioned therein. However, stated that the petitioner had kept the lands to an extent of Acs.106.35 guntas in Sy.No.348/1 of Quthbullapur Village, Acs.84.31 guntas in Sy.No.220 of Gajularamaram Village and Acs.17.21 guntas in Sy.No.51 of Namdarnagar Village and Acs.9.16 guntas village site of Namdarnagar Village vacant since the date of taking over possession by the petitioner-company. Further, the lands are covered by

fencing only, in clear violation of the conditions of the conveyance deed. Hence, the 3rd respondent-Mandal Revenue Officer, Quthbullapur, issued a notice to the General Manager, HMT vide letter bearing No.A/916/90, dated 12.07.1996 referring the letter addressed by the Collector, Ranga Reddy District to resume the Government land to an extent of Acs.106.35 guntas in Sy.No.348/1 of Quthbullapur Village and the petitioner was requested to handover the possession of the land to the Mandal Revenue Inspector. When the petitioner had not responded to the letter and failed to deliver the possession of the vacant land, the Mandal Revenue Inspector, Quthbullapur Mandal, had taken over the possession of the land to an extent of Acs.106.35 guntas situated in Sy.No.348/1 at Quthbullapur Village under cover of panchanama dated 12.09.1996 and the same was informed to the petitioner vide letter bearing No.A/916/90 dated 17.09.1996. The petitioner approached this court vide writ petition No.22199 of 1996 and obtained interim direction in WPMP No.27147 of 1996 restraining the respondents from interfering with the peaceful possession and enjoyment of the lands to an extent of Acs.888-00 guntas conveyed through conveyance deed dated 20.01.1972 and the writ petition was disposed on 21.03.2007 leaving it open to the respondents to take further steps pursuant to the decisions vide memo dated

08.04.2005. The District Collector, Ranga Reddy, vide letter No.LC3/5021/93 dated 18.10.2003 addressed to the Chairman and Managing Director of the HMT informed that an extent of Acs.300-00 guntas surplus government land was in possession of the HMT and requested to surrender the land to the Government seeking advance physical possession of land to an extent of Acs.5.20 guntas in survey Nos.223, 224, 237 and 238/part situated behind the Municipal Office, pending necessary formalities, stating that it is convenient for the Municipality to develop a Stadium. The Collector also requested the General Manager of the petitioner Company vide letter dated 27.09.2005 to furnish the schedule of lands which are going to be surrendered as per the formal draft agreement. The Government of Andhra Pradesh vide Memo No.56720/Assn.V(1)2001-1 dated 16.06.2003 informed that only about Acs.320-00 guntas out of Acs.888-36 guntas of land was utilized by the petitioner. A meeting was also held in the chambers of the Hon'ble Chief Minister on 18.07.2002 and discussion was held about the surplus lands available with the HMT and the following decisions were taken:

- i) Ac.300-00 would be surrendered by HMT for development of an Industrial Estate by A.P. Industrial Infrastructure Corporation (APIIC).
- ii) 50% of the sale proceeds of the land could be given to HMT subject to investment by HMT in its complex at Hyderabad.

- iii) Title for the balance land will be given in favour of HMT.
- iv) HMT and APIIC could demarcate the Ac.300-00 of land to be surrendered by HMT.
- v) HMT would revert back to the State of Government after obtaining approval from the Board of Directors.
- vi) Thereafter a formal agreement could be signed between HMT and the State Government.

9. Hence, the District Collector, Rangal Reddy District, vide letter No.LC3/5021/93 dated 18.10.2003 requested the authorities of the petitioner-Company to surrender the land to an extent of Acs.300-00 guntas. Further, vide letter No.A/916/90 dated 27.09.2005 the petitioner-Company was asked to furnish the details of the land to an extent of Acs.300-00 guntas, which are going to be surrendered, for formal draft agreement. But, the petitioner failed to submit any details of the surplus land to an extent of Acs.300-00 guntas available with the petitioner Company to the Government. In those circumstances only, the revenue authorities addressed the letter, stated supra, for immediate surrender of the land to an extent Acs.5.20 guntas situated in survey Nos.223, 224, 237 and 238/part belonged to the HMT lying vacant by the side of Qutbullapur Municipality office, as it is convenient for the Municipality to develop a Mini-Stadium, which is badly required.

10. Heard the learned counsel for the petitioner and counsel for the respondents.

11. It is found that the land to an extent of Acs.888-00 guntas was acquired under the provisions of the Land Acquisition Act, 1894, for public purpose and the same was conveyed to the petitioner-Company through the conveyance deed dated 20.01.1972 for establishment of HMT for industrial, economic and social development of the State and HMT was put in possession of the land on 24.06.1968. HMT constructed factory and other ancillary building structure required for the purpose and benefit of the employees and the petitioner being a heavy industrial establishment had kept vacant the land to some extent for further development and for use of industrial purpose and further improvement of the Company. However, the revenue authorities and municipal authorities tried to interfere with the possession and enjoyment of the lands of the petitioner and the petitioner approached this Court in WP No.22199 of 1996 and this Court granted interim injunction in WPMP No.27417 of 1996 restraining the respondents from interfering with the peaceful possession and enjoyment of the land by the petitioner. Ultimately, this Court disposed of the said writ petition leaving it open to the respondents to take further steps pursuant to the decisions vide Memo dated 08.04.2005 and subsequently the Government vide Memo No.56720/Assn.V(1)2001-1 dated 16.06.2003 asked the petitioner to surrender the

un-utilized land to the Government and a meeting was also held in the Chambers of the Chief Minister on 18.07.2002 to discuss the modalities to surrender the surplus land and following decisions were emerged in the said meeting:

- i) Ac.300-00 would be surrendered by HMT for development of an Industrial Estate by A.P. Industrial Infrastructure Corporation (APIIC).
- ii) 50% of the sale proceeds of the land could be given to HMT subject to investment by HMT in its complex at Hyderabad.
- iii) Title for the balance land will be given in favour of HMT.
- iv) HMT and APIIC could demarcate the Ac.300-00 of land to be surrendered by HMT.
- v) HMT would revert back to the State of Government after obtaining approval from the Board of Directors.
- vi) Thereafter a formal agreement could be signed between HMT and the State Government.

12. However, the revenue authorities failed to proceed further as per the decisions taken by the Government on 16.06.2003, and subsequent meeting held on 08.04.2005.

13. In those circumstances, this writ petition is disposed of directing the respondents-authorities not to interfere with the peaceful possession and enjoyment of the petitioner-Company over the land to an extent of Acs.888-36 guntas conveyed through conveyance deed dated 21.01.1972 without due process of law. Further, the respondents-authorities are directed to convene a meeting with the Head of the Department, Revenue Department,

District Collector, Ranga Reddy, and also the Chairman and Managing Director or authorized person of the petitioner-Company to decide and settle the issue as per the decisions taken in the meeting dated 18.07.2002 and subsequent meeting held on 08.04.2005 and amicably settle the issue and prevent further litigation in respect of the subject lands.

14. Miscellaneous Petitions pending, if any, shall stand closed. No order as to costs.

25.01.2018
TSNR



M.GANGA RAO, J