

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.30531 of 2018

ORDER :

Heard learned counsel for the petitioner and learned Government Pleader for Revenue (Andhra Pradesh).

2. With the consent of both parties, the Writ Petition is disposed of at the admission stage.

3. The present Writ Petition came to be filed seeking issuance of Writ of Mandamus declaring the action of the second respondent in issuing notice dated 10.03.2018, vide ROC/R1/e-office Computer No.84314/2018, in respect of the petitioner's land in Survey No.95/3 admeasuring Ac.1.49 cents of Mangalam village of Tirupati Urban Mandal of Chittoor District, as illegal and arbitrary.

4. The averments in the affidavit filed in support of the Writ Petition would show that the petitioner entered into an agreement of perpetual lease deed of land on 09.03.2011 with M/s.Indian Express (Madurai) Limited, towards property in Survey No.95/3 admeasuring Ac.1.49 cents and the same was registered before the Sub-Registrar, Renigunta on 09.03.2011. It is stated that the Government of Andhra Pradesh granted permission to the second respondent, for alienation of land in favour of M/s.Indian Express (Madurai) Limited, to an extent of Ac.2.00 in Survey No.95/3 of Mangalam village situated at

Tirupati Urban Mandal on market value of Rs.10 lakhs and issued GO Ms.No.173, dated 06.03.1997. Thereafter, the second respondent alienated the said land in favour of M/s.Indian Express (Madurai) Limited, as per the terms of the above GO and issued proceedings vide ROC/B1/17278/96, dated 29.03.2017. Thereafter, the fourth respondent entered the name of the M/s.Indian Express (Madurai) Limited, in the revenue records and the property was handed over to them. It is stated that for the purpose of development of the said property, M/s.Indian Express (Madurai) Limited entered into perpetual lease deed with the petitioner firm on 09.03.2011. Thereafter, the petitioner converted the said land into non-agriculture land by paying requisite fees to the third respondent. It is stated that the proceedings for conversion of agricultural land into non agriculture were issued on 17.09.2012. On 25.08.2014, the office of the second respondent issued a no objection certificate vide proceedings No.Roc.F(2)/642/2014, converting the land in Survey No.95/3, admeasuring Ac.1.49 cents of Mangalam village, Tirupati Urban Mandal from industrial zone to commercial zone. While things stood thus, on 10.03.2018, the impugned notice came to be issued to the petitioner and M/s.Indian Express Madurai Limited, stating that they have violated the terms of G.O.Ms.No.173, and accordingly the Tahsildar recommended for resumption of the alienated land admeasuring Acs.2.00 cents in Survey No.95/3 of Mangalam Revenue village of Tirupati Urban Mandal to Government by

canceling the alienation in terms of GOMs.No.57 of the Revenue Department, dated 16.02.2015. Challenging the same, the present Writ Petition came to be filed.

5. As seen from the impugned notice dated 10.03.2018, M/s.Express Publication, Madurai Limited was called upon to show cause as to why the land admeasuring Acs.2.00 cents in Survey No.95/3 of Mangalam Revenue Village in Tirupati Urban Mandal, alienated for establishment of newspaper publication unit should not be resumed to the Government, for non utilization of the land for the purpose for which it was alienated and for violation of the conditions of alienation. The said explanation was directed to be given within seven days from the date of receipt of the impugned notice, failing which, action was sought to be taken as per the records/rules. It is also to be noted that subsequently, a notice came to be issued to the petitioner and their lessor informing that the case is posted for personal hearing before the District Collector, Chittoor on 08.06.2018 at 11.00 a.m., in Collector's office, Chittoor, wherein, the petitioner and their lessor were directed to attend for hearing with a reply, failing which action would be taken basing on the records available in the office. Since the notice itself provides an opportunity of hearing, the petitioner cannot complain of violation of principles of natural justice. Insofar as merits of the case are concerned, more particularly, with regard to the very issuance of notice, the petitioner can as well explain their stand

before the authorities, while submitting their explanation to the impugned notice.

6. Hence, I see no grounds to quash the impugned notice. But, however, the authorities concerned shall hear the petitioner in person and pass appropriate orders, in accordance with law, if not already passed.

7. Accordingly, the Writ Petition is disposed of.

8. As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

Date: 29.08.2018
vhh



C.PRAVEEN KUMAR, J