

High Court for the State of Telangana

The Hon'ble Sri Justice A. Abhishek Reddy

W.P. No. 28644 of 2008

Date: 24-01-2020

Between:

M/s. A.P. Electrical Equipment Corporation,
Sanathnagar, Hyderabad (A proprietary concern
of ECE Industries Ltd., New Delhi,
rep. by Mr. V. Bhaskara Rao,
General manager & Authorized Signatory

...Petitioner

And

The State of Andhra Pradesh
Rep. by the Prl. Secretary to Government
Revenue (UC.III.1) Dept.,
Secretariat, Hyderabad and 2 others

...Respondents

Counsel for the petitioner:

**Mr. V. Ramesh,
Senior Counsel**

Counsel for respondent Nos.1 & 2:

GP for Revenue

The Court made the following:

Order:

The present writ petition is filed for the following substantive relief:

“to issue a Writ in the nature of Writ of Mandamus or any other appropriate Writ, direction or order declaring G.O.Ms.No. 1534, Revenue (UC.III.1) Department, dated 20/12/2008 of the Government of Andhra Pradesh, the 1st respondent herein, as illegal and void.”

It is stated by the learned counsel for the petitioner that earlier, the writ petitioner has filed W.P. No.3140 of 2009 challenging the very same G.O. Ms. No. 1534, Revenue (UC.III-1) Department, dated 20-12-2008, and this Court, by order dated 26-10-2009, has set aside the said GO, and held as under:

“From the above, it is clear that that possession was not taken under the Act and proceedings under Section 10(5) and 10(6) have not been initiated insofar as the subject land is concerned. Therefore, the impugned order passed by first respondent in directing the Special Officer and Competent Authority to take possession from the first petitioner though the petitioners 2 and 3 are in possession of the subject land is arbitrary and illegal, particularly when the 1976 Act has no application by virtue of Repeal Act, 1999, which was adopted by the State of Andhra Pradesh with effect from 27.3.2008, i.e. much prior to issuance of the impugned G.O.

In view of the above, I am of the opinion that the impugned G.O. is liable to be set aside and accordingly set aside. The writ petition is accordingly allowed. No order as to costs.”

The above stated position and earlier order of this Court are not disputed by the learned Government Pleader for Revenue. In view of the above, nothing remains to be adjudicated in the present writ petition, and the same is, accordingly, closed as infructuous.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Dt: 24th January, 2020
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(A. Abhishek Reddy, J)

