

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.22416 OF 2004

ORDER:

The petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India for issuance of Writ of Mandamus to declare the auction notice dated 23.11.2004, as illegal, arbitrary and unconstitutional.

The petitioner claims to have purchased land admeasuring Ac.0-24 gts. in Survey No.545, Ac.1-33 gts. in Survey No.546 and Ac.1-03 gts. in Survey No.547 along with a few other extents in other survey numbers of Bonthapalli Village, Jinnaram Mandal, Medak District through sale deeds dated 29.01.1990, 11.12.1991 and 11.11.1991 respectively.

The petitioner has set up an industry after obtaining all statutory permissions. The petitioner was subjected to show cause notice dated 15.12.1994 under the provisions of the A. P. Assigned Lands (POT) Act, 1977 (for short 'the Act'). The matter has undergone various stages in resumption proceedings viz., appeal, revision etc. Before the matter has attained finality it is the grievance of the petitioner that the impugned auction notice dated 23.11.2004 is issued calling for bids from interested persons to offer their price for purchase of subject litigation. The auction notice covers patta lands. Without actually resuming possession from the petitioner, the respondents ought not to have contemplated to conduct auction. Thus, the auction is patently illegal and arbitrary.

Respondent No.3 filed counter affidavit. The 3rd respondent has adverted to the previous proceedings under which steps have been taken to resume the land. On 20.02.2003 it is stated that orders of resumption were passed. This Court is relieved due to developments taken place pending adjudication of going into the other

details set out in the counter affidavit inasmuch as the petitioner, insofar as the assigned lands stated to be in his possession, has applied for regularisation on 28.12.2004 in accordance with the applicable Government policy, the same has been processed and pending with the Chief Commissioner of Land Administration for final recommendation to Government. No final decision is taken.

Without going into the merits, it is sufficient to dispose of the writ petition by continuing the interim suspension dated 06.12.2004 to be in force till a decision is taken by the Government, on the request of the petitioner for regularisation and communicated to him in this behalf.

With the above, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of.

S.V. BHATT, J

Date:06.02.2014
Stp