

(1995) 09 AP CK 0083
In the Andhra Pradesh High Court
Case No : Writ Appeal No. 449 of 1995

Alagara Venkaiah and Others

APPELLANT

Vs

Suri Prakasam and Others

RESPONDENT

Date of Decision : 06-09-1995

Acts Referred:

Citation : (1996) 2 ALT 245

Hon'ble Judges : P.S. Mishra, C.J.;B. Sudershan Reddy, J

Bench : Division Bench

Advocate : M. Ravindranath Reddy, for the Appellant; Govt. Pleader for Revenue for the Respondent Nos. 2 to 4 and M.N.S. Bharat Kumar, for the Respondent

Judgement

P.S. Mishra, C.J.—Land belongs to the Government it is not in dispute was leased to the Sri Venkateswara Salt Workers Co-operative Society. Society, it is alleged, however, became defunct and some persons claimed possession through the society and benefited themselves individually by the raising salt in the land. The local authority, impressed by the said fact, rescinded the lease of the land which was in favour of the society and granted lease for the same 33 persons selected by the Industries Department of the Government of the State. Appeal before the Government, however, restored the lease in favour of the society. In a writ petition in which the Government order has been challenged, however, the Court has ordered for an enquiry and until it is decided one way or the other by the Government, as to the actual state of facts, to maintain status quo.

2. Having considered the matter in all aspects, we are of the opinion that only on the basis of the dispute as to facts it may not be proper for this Court to find fault with the order of the Government but, at the same time, the Government should be asked to verify the facts and decide strictly in accordance with law as to who should be granted the lease and thus be allowed to benefit by the Government's largesse.

3. Taking the above into consideration, we are inclined to order for an enquiry ex

facto as to the possession and the existence of the land in question and present state of affairs in the above named society and decide accordingly whether to confirm its order or to rescind the same and order a fresh for grant of lease to persons who deserve such largesse.

4. The above, however, should be done, in our opinion, by giving notice to all concerned including the writ petitioner-respondents. We accordingly order as follows:

(1) The Commissioner, Land Revenue, is directed to issue notice to the society as well as writ petitioner-respondents, fix a date of hearing, afford opportunity of being heard accordingly to all concerned and pass a reasoned order whether the society's lease should be continued and in case it is found in favour of the society, affirm the Government order dt. 19-5-93 in G.O.Ms. No. 468 and in case it is found against the society, rescind the order of the Government and order afresh for grant of lease to the persons entitled to such benefit including the writ petitioner-respondents; and

(2) Until the enquiry and the order, as directed above, it is obvious the Government order, dt. 19-5-1993, shall remain operative. So that the said order is of indefinitely continued, the Commissioner shall fix an early date of hearing and dispose of the matter preferably within a period of six weeks from the date of receipt of a copy of this order.

5. The Writ Appeal is disposed of accordingly.