

Dt.: 12.05.1995

Shri T R Goel
Azamabad Industries Association
1-B-582, Industrial Area
Azamabad
HYDERABAD-500 020

Dear Sir,

S.L.P. [CIVIL] NO. 19967 OF 1994

C.A. NO. 8853 OF 1994

Please find enclosed herewith the additional grounds filed in the above matter.

With regards,

Yours sincerely,

Encl : As above

[K SWAMI]

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. OF 1995

IN

S.L.P. [CIVIL] NO. 19967 OF 1994

[CIVIL APPEAL NO. 3853 OF 1994]

IN THE MATTER OF AN
APPLICATION FOR RAISING
ADDITIONAL GROUNDS.

BETWEEN

M/S ALLIED INDUSTRIES & OTHERS

...PETITIONERS/
APPELLANTS

AND

STATE OF ANDHRA PRADESH AND OTHERS

...RESPONDENTS

TO

THE HONOURABLE CHIEF JUSTICE OF INDIA AND HIS
COMPANION JUSTICES OF THE SUPREME COURT OF
INDIA

THE HUMBLE APPLICATION OF
THE APPELLANTS ABOVE NAMED

MOST RESPECTFULLY SHOWETH :-

1

The above Civil Appeal raises questions of law relating to the constitutional validity of the Azamabad Industrial Area [Termination & Regulation of Leases] Act 1992. The Petitioner craves leave

Category-III: Consists of persons who are illegally in possession by having entered into fake partnership and are not recognised by the Government but carrying on industrial activity

3.67 acres

Category-IV: Persons who are illegally in possession of land and not carrying out industrial activity

0.60 acres

Category-V: Lands already taken possession by the Government for the violation of conditions of lease.

6.26 acres

Other category

2.07 acres

Govt. organisations.

19.32 acres

It is respectfully submitted that the Petitioner craves, leave to raise the following additional grounds.

4

It is respectfully submitted that out of 104 acres of land in respect of a substantial extent of 58.14 acres admittedly there is no violation calling for the drastic step of resumption. With regard to the remaining extent of 46.19 acres excluding the resumed lands and the lands of Government organisations, the balance will be about 20.61 acres. With regard to 14.27 acres from among those lands falling under Category II leasees are not being granted permission to carry on industrial activity, and are treated as having use the land for non-industrial purpose. The State Government can not either by themselves or through its authorities withhold permission for carrying on industrial activity and then hold them

[a] No Machinery for determining any alleged violation;

[b] No proof of following the fair procedure for determining any disputed question as to breach of conditions of the lease by a fair Tribunal after giving adequate opportunity.

[c] Even cases of no violation of law or covenants are treated on a par with those who are alleged to have violated the terms of the lease deed. It is respectfully submitted that the Act is an obvious case of hostile discrimination, is unjust, unfair and unreasonable and on this ground alone it is liable to be struck down.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court be pleased to :

1] Permit the Petitioner to raise the additional grounds mentioned at Paras 4, 5 and 6 herein above and treat the same as being in addition to those raised in the Special Leave Petition and