

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND EIGHT

PRESENT
THE HON'BLE MR JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO:19205 of 2002

Between:

- 1 M/S. Patel Desai & Company, Rep. by its Authorised Representative, Vinod K Desai, at Plot No.25, Azamabad Industrial Area, Hyderabad.
- 2 M/s. Meera Industries, Rep. by its Authorised Representative
Vinod K Desai, at Plot No.25/1, Azamabad, Industrial Area, Hyderabad.
- 3 M/s. Gurudev Engineering Company, Rep. by its Authorised Representative,
Vinod K Desai, at Plot No.27/3, Azamabad, Industrial Area, Hyderabad.
- 4 Soham Engineering Corporation, Rep. by its Partner,
Vinod K Desai, at Plot No.27/2, Azamabad, Industrial Area, Hyderabad.
- 5 Viswajith Casting & Engineering Works, rep. by its Representative, Soham Modi S/o. Satish Mod,
at Plot No. 26/2, Azamabad Industrial Area, Hyderabad.

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PETITIONERS

AND

- 1 The Govt. of A.P., Rep. by its Secretary,
Industries & Commerce Department, Secretariat,
Hyderabad.
- 2 The Commissioner of Industries (Competent Authority,
Azamabad Industrial Area,)
Chirag Ali Lane, Hyderabad.

.....**RESPONDENTS**

Counsel for the Petitioners:MR. PERI PRABHAKAR

FOR MR.V.VENKATARAMANA

**Counsel for the Respondents:AGP FOR INDUSTRIES &
COMMERCE**

The Court made the following :

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ORDER:

This writ petition is filed for a writ of mandamus to declare that the leases in favour of the petitioners in respect of industrial plots situated in Azamabad Industrial Area, Hyderabad are subsisting and the petitioners are, therefore, entitled to opt for freehold rights over the said plots on payment of price and to declare demand notices, dated 03.06.2002, whereby the petitioners were called upon to pay the enhanced premium and quit rent with retrospective effect from 1985, as arbitrary, illegal and ultra vires the powers of the respondents.

On 21.10.2008, when this case came up for hearing, the learned Assistant Government Pleader placed before this Court letter No.13/1/2002/0028/FB, dated 01.05.2004 addressed by the Commissioner of Industries to the President, Azamabad Industries Association, Azamabad, wherein it is informed that the Government has taken a decision to convert the leasehold rights into freehold rights at 75% of the market value which was prevalent in February, 2000 and also to extend certain concessions. It is stated in the said letter that the Government vide memos, dated 22.11.2003 and 03.02.2004 clarified that the Commissioner of Industries is authorized to and collect such quit rent and premium, which is not disputed in any Court of law prevailing up to 1983 till the freehold rights to the lessees as conferred are given. On the basis of the said proceedings, the Commissioner temporarily withdrew the impugned demand

notices. Since the withdrawal of the impugned demand notices was temporary, the writ petition was adjourned to enable the learned Assistant Government Pleader for Industries to get the instructions on the stand of the respondents in respect of future course of action on the impugned demand notices.

Today, at the hearing, the learned Assistant Government Pleader for Industries on telephonic instructions stated that the respondents persist with the course of action contained in letter, dated 01.05.2004 referred to above.

This statement of the learned Assistant Government Pleader is placed on record and the writ petition is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

23rd OCTOBER, 2008.

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