

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

THURSDAY, THE THIRTEENTH DAY OF NOVEMBER
TWO THOUSAND AND EIGHT

PRESENT

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 6145 of 2000

Between:

M/s. Orient Cement Factory, Rep. by its Sr. Legal Officer,
Sri Haragopal PV., Devapur, Kasipet Mandal, Adilabad
District.

..... PETITIONER

AND

- 1 The District Collector, Adilabad District, Adilabad
- 2 Sri Peddola Ramaiah, S/o. Dammaiah, R/o. Devapur, Kasipet
Mandal, Adilabad District.
- 3 Sri Peddola Rajaiah, S/o. Ramaiah, R/o. Devapur, Kasipet
Mandal, Adilabad District.
- 4 Sri Peddola Pochammallu S/o. Ramaiah, R/o. Devapur,
Kasipet Mandal, Adilabad District.
- 5 Sri Peddola Bheemaiah, S/o. Ramaiah, R/o. Devapur,
Kasipet Mandal, Adilabad District.
- 6 Smt. Mekala Ramakka, W/o. Chandraiah, R/o. Devapur,
Kasipet Mandal, Adilabad District.
- 7 Sri K. Jallu, S/o. K.Keshav Rao, R/o. Devapur, Kasipet
Mandal, Adilabad District.
- 8 Sri K. Jangu, S/o. Bheemu, R/o. Devapur, Kasipet Mandal,
Adilabad District.
- 9 Junaka Jangu, S/o. Maru, R/o. Devapur, Kasipet Mandal,
Adilabad District.
- 10 Smt. K. Bagu Bai, W/o. Bheema, R/o. Devapur, Kasipet
Mandal, Adilabad District.
- 11 Sri K. Latchu, S/o. Bheemu, R/o. Devapur, Kasipet Mandal,
Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the
circumstances stated in the Affidavit filed herein the High Court may be pleased to call

for the records from the 1st respondent and issue an appropriate writ, order or Direction, particularly one in the nature of Writ of Mandamus, declaring that the order passed by the 1st respondent in proceedings No. B6/6619/99,dt.3.3.2000,directing to provide employment to respondents 2 to11 as illegal, unjust, contrary to law and arbitrary; and grant all consequential benefits and pass such other order or orders as are deemed fit and proper under the circumstances of the case.

Counsel for the Petitioner : MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent No.: GP FOR LAND ACQUISITION

The Court made the following :

ORDER:

The Petitioner is M/s. Oriental Cements Factory, Devapur, Kasipet Mandal, Adilabad District, represented by its Senior Legal Officer.

This Writ Petition is filed seeking for issuance of Writ of Mandamus declaring that the order passed by the 1st respondent in the proceedings No. B6/6619/99, dated 3.3.2000 directing to provide employment to the respondents 2 to 11 as illegal, unjust, contrary to law and arbitrary and grant all consequential benefits.

In the proceedings No. B6/6619/99, dated 3.3.2000 impugned herein, the District Collector, Adilabad directed the petitioner to appoint respondents 2 to 11 in terms of the agreement entered into between the petitioner and the land owners.

While admitting the writ petition, this Court by an order dated 12.4.2000 granted stay of the impugned order.

At this stage of the proceedings, it is brought to the notice of this Court the letter dated 6.10.2008 issued by the petitioner, under which, the petitioner agreed to provide employment to respondents-2 to 11.

In view of the said appointment letter, the learned counsel for the petitioner would submit that no further orders need be passed.

At the same time, Learned counsel for respondents 2 to 11 would submit that recording the above letter of appointment issued by the petitioner, writ petition may be closed.

Having regard to the submissions made by the learned counsel for the petitioner as well as the learned counsel for the respondents 2 to 11 and in view of the letter of appointment dated 6-10-2008, no further orders need be passed in this Writ Petition.

Accordingly, the Writ Petition is closed.

Xxxxxx

The respondents 2 to 11 claims to be the land losers and they are entitled for providing employment. Earlier they filed Writ Petition No.12888 of 1998. Their case was that they are the owners of the land situated in Devapur, Kasipet Mandal, Adilabad District. The Government acquired the lands of their village for the purpose of M/s.

Orient Cement Factory (Petitioner's factory) in pursuance of agreement dated 24-1-1981 entered into between the management and Orient Insurance Company and the Government. After initiation of the land acquisition proceedings by the Land Acquisition Officer, the lands were acquired. As per the agreement, between the petitioner's factory and the Government, one of the members of the family whose lands have been acquired for the purpose of establishment of the petitioner's factory has not been provided employment. The Mandal Revenue Officer, after conducting the local enquiry has furnished details of the land owners and the persons eligible for providing employment in each family. Thereafter, the revenue Divisional Officer recommended those names to the District Collector vide his letter dated 20-8-1993. Then the District Collector addressed a letter to the petitioner's factory wherein he directed the petitioner's factory to provide employment to the displaced persons. As no option was taken by the petitioner's factory, the respondents 2 to 11 herein appears to have filed W.P.No.12888 of 1998 for a direction to the petitioner's factory to provide the employment to the respondents 2 to 11 herein. By Judgment dated 28-7-1998 this Court while allowing the writ petition directed the petitioner's factory to provide a suitable job according to the qualifications and eligibility to the respondents 2 to 11 herein within a period of one month from the date of receipt of as copy of this order. Aggrieved by the same, the petitioner's factory preferred an appeal in W.A.1639 of 1998. By judgment dated 25-11-1999, this Court set aside the order passed in the Writ Petition and allowed the Writ appeal giving direction to the District Collector, Adilabad District to hear both the parties afresh and to pass appropriate orders keeping in view the terms of agreement entered into between the parties. The District Collector was further directed to complete that exercise within a period of three months.

Pursuant to the above direction, the District Collector, Adilabad conducted the enquiry by giving an opportunity to both the parties and after verifying the relevant revenue records xxxx.... The claim of the respondents 2 to 11 herein issued the proceedings in No. B6/6619/99, dated 3.3.2000 held that ten persons namely **so and so** who are the respondents 2 to 11 herein are found to be eligible for appointment and

directed the petitioner's factory to appoint them in terms of agreement as per the directions given by this Court. Aggrieved by the above proceedings, the present writ petition has been filed seeking for writ of mandamus declaring that the proceedings under B6/6619/99, dated 3.3.2000 issued by the District Collector is illegal and arbitrary.

The District Collector who is the 1st respondent in the Writ Petition filed a detailed counter reiterating stand taken by the District Collector in the impugned proceedings and pleaded to dismiss the writ petition.

Respondents 2 to 11 also filed a counter contending that they are entitled that the impugned proceedings have been issued by the District Collector after a detailed enquiry into the matter held that the petitioners 2 to 11 are entitled for employment against the localization acquired and sought for dismissal of the writ petition. This Court while admitting the Writ Petition on 12.4.2000 granted interim stay of the impugned order. Thereafter, the matter has been listed for hearing. When the matter has been taken up for hearing, the learned counsel for the petitioner factory placed before this Court the letter of appointment in ORCEM LEGAL: 5826 dated 6-10-2008 issued by the Senior Manager (P & A) of the petitioner's factory to providing the employment to the land losers who are the respondents 2 to 11 in the Writ Petition. The letter reads as under:

"ORCEM : LEGAL : 5826

Dt.06-10-2008

To

Shi. Jaya Prakash Rao

Advocate

H.No.3-4-206/2

*Kachiguda, Lingampally – X – Roads,
Hyderabad-27.*

Dear Sir,

Sub:- Providing Employment to Land losers – Reg.

Ref:- Our WP No.6145 of 2000 in WPMP

8113/2000/WPMP 24215/2007.

This is to inform you that we have agreed to provide Employment to 10 (Ten) land losers as per details given below and all the 10 (Ten) candidates have joined in our Company on 23-09-2008.

<i>Sl.No.</i>	<i>Land Losers</i>	<i>Employment Provided to</i>
1.	<i>Sri Peddala Rajaiah</i>	<i>Sri Sandra Bheemaiah</i>
2.	<i>Smt. Mekala Ramakka</i>	<i>Srio M.Rajesh</i>
3.	<i>Late Peddala Bheemaiah</i>	<i>Sri P.Laxman</i>
4.	<i>Late Peddala Ramaiah</i>	<i>Sri Bandari Sammaiah</i>
5.	<i>Late Pochamallu/Bairneni Gopal</i>	<i>Sri Sri Bairneni Gopal</i>
6.	<i>Late Smt. Kotnaka Bagu Bai</i>	<i>Sri Madavi Gangaram</i>
7.	<i>Sri Kotnaka Lachu</i>	<i>Sri Kotnaka Lachu</i>
8.	<i>Smt. Jugnaka Sakkubai</i>	<i>Sri Jugunaka Jangu</i>
9.	<i>Sri Kotnaka Keshav Rao</i>	<i>Sri Kotanka Bojji Rao</i>
10.	<i>Late Kotnaka Jangu</i>	<i>Smt. Suguna Bai w/o late Kotnaka Jangu.</i>

Hence, you are requested to take necessary steps to close the case immediately.

Thanking You,

Yours faithfully,

*For Orient Cement,
(Proprietors: Orient Paper & Industries Ltd.,)
Sd//xxxx
K.V.SUBBA RAO
SR. MANAGER (P&A) “*

The learned counsel for the petitioner submits that in view of the letter dated 6-10-2008 issued by the petitioner's factory providing employment to respondents 2 to 11 who have been reported to duty and joined in the factory on 23.9.2008, no further orders need to be passed in the writ petition.

Learned counsel appearing for the respondents 2 to 11 would not contradict the submissions of the learned counsel for the petitioner's factory. In view of the fact that the respondents 2 to 11 have been provided with employment who stated to have been joined employment of the petitioner's factory, on 23.9.2008 and having regard to the facts and circumstances of the case referred and having regard to the submissions made by both the counsel and placing on record the letter of appointment issued by the learned counsel for the petitioner's factory to the respondents 2 to 11, providing the employment in the petitioner's factory, the Writ Petition is closed.

Justice G.CHANDRAIAH

Dated 13th November, 2008.

Dvs

HONOURABLE SRI JUSTICE G.CHANDRAIAH
WRIT PETITION No.6145 OF 2000
Dated 13th November, 2008