



Writ Appeal No: 618 of 2024
along with
Writ Appeal Nos:609, 627, 628 and 666 of 2024

1) Writ Appeal No: 618 of 2024

M/s. Mc. Dowell and Co. Ltd. ...Appellant

Vs.

The State of Andhra Pradesh and others ...Respondents

2) Writ Appeal No: 609 of 2024

M/s. Mc. Dowell and Co. Ltd. ...Appellant

Vs.

The State of Andhra Pradesh and others ...Respondents

3) Writ Appeal No: 627 of 2024

M/s. Mc. Dowell and Co. Ltd. ...Appellant

Vs.

The State of Andhra Pradesh and others ...Respondents

4) Writ Appeal No: 628 of 2024

M/s. Mc. Dowell and Co. Ltd. ...Appellant

Vs.

The State of Andhra Pradesh and others ...Respondents

5) Writ Appeal No: 666 of 2024

C. Hanumantha Rao ...Appellant

Vs.

The State of Andhra Pradesh and others ...Respondents

Advocate for Appellant: Mr. C. Hanumantha Rao
(W.A.Nos.618, 609, 627, 628 of 2024)

Party-in-Person: Mr. C. Hanumantha Rao
(W.A.No.666 of 2024)

Advocate for Respondents: Mr. D. Srinivas, learned Advocate
General appearing for GP for Home

**CORAM : THE CHIEF JUSTICE LISA GILL
SRI JUSTICE R. RAGHUNANDAN RAO**

DATE : 23.06.2026

Reserved for orders on: 07th May, 2026

Pronounced on : 23rd June, 2026.

LISA GILL, CJ:

Writ Appeal Nos.618, 609, 627, 628 and 666 of 2024 were taken up together for hearing and adjudication, at request and with consent of learned counsel for parties, as all these appeals arise out of a common order dated 15.12.2023, passed by learned Single Bench while deciding five writ petitions bearing W.P.Nos.2690 of 2007, 11421 of 2008, 21235 of 2009, 26009 of 2005 and 27111 of 2009, respectively.

2. Before proceeding to detail the prayer in each individual petition, it is considered appropriate to mention certain foundational facts.

M/s. Hindustan Polymers Limited, Visakhapatnam, was a company engaged in the manufacture of polystyrene, styrene monomer, etc. Said

company was declared as surplus landholder under provisions of Urban Land (Ceiling and Regulation) Act, 1976 (for short, "U.L.C. Act") within Visakhapatnam Urban Agglomeration, to an extent of 76.9585 hectares, as published in Andhra Pradesh Gazette on 24.11.1981.

3. Declarant Company, M/s. Hindustan Polymers Limited, Visakhapatnam, had earlier filed a statement before the competent authority on 13.08.1976 under Section 6(1) of U.L.C. Act, 1976, seeking exemption of land to an extent of 101.3985 hectares held by it in Visakhapatnam Urban Agglomeration, in terms of Section 20(1) of U.L.C. Act, 1976. An order dated 05.11.1981 was passed by competent authority under Section 9 of U.L.C. Act, 1976, allowing an extent of 24.4400 hectares and declaring 76.9585 hectares to be surplus land. A notification for acquisition under Section 10(1) was issued and published in Andhra Pradesh Gazette on 24.11.1981 in respect of surplus land.

4. Thereafter, M/s. Hindustan Polymers Limited was amalgamated with present appellant/ writ petitioner i.e. M/s. McDowell & Co. Ltd. M/s. Hindustan Polymers Limited was taken over pursuant to orders passed by High Court of Bombay and Madras High Court in Company Petition No.236 of 1981 and Company Petition No.43 of 1981, *vide* orders dated 22.02.1982 and 31.03.1982, respectively. Amalgamation of Transferor Company, with all its assets and liabilities, into Transferee Company (M/s. McDowell & Co. Ltd.) was to be made pursuant to scheme of amalgamation, taking effect from 01.04.1978.

5. *Vide* G.O.Ms.No.1033 dated 08.10.1992 land measuring 67.2165 hectares was exempted. This comprised 27.0095 hectares and 34.8730 hectares situated in Venkatapuram and Vepagunta villages, respectively, and 1.0239 hectares in Gopalapatnam Village for expansion of existing infrastructure for A.B.S. project, etc. and 4.3101 hectares at Waltair Uplands in Visakhapatnam Urban Agglomeration for construction of residential accommodation for officers of Hindustan Polymers Division as well as U.B. Elastomers and U.B. Petrochemicals limited. This exemption was granted subject to conditions specified in G.O. and in exercise of power under Section 20(1)(a) of U.L.C. Act.

6. Controversy in present case is in respect of 4.3101 hectares at Waltair Uplands, Visakhapatnam.

7. As construction of residential accommodation was not carried out in terms of conditions stipulated in G.O. dated 08.10.1992, a Show-Cause Notice was issued to M/s. Hindustan Polymers Limited, as to why exemption granted in respect of 4.3101 hectares of land should not be withdrawn for violation of conditions imposed in the exemption order. An extension of two years was sought by declarant company for fulfilling the conditions, upon which exemption until 1996 was granted *vide* memo dated 25.11.1994.

8. When condition was still not fulfilled, a Show-Cause Notice dated 19.07.1996 was again issued to M/s. Hindustan Polymers Limited.

9. M/s. Hindustan Polymers Limited submitted a representation on 29.10.1996 stating that there were plans to expand the industry as one M/s. L.G. Chemicals Limited, a part of L.G. Group in South Korea, which came forward with plans to invest in expansion and diversification. Government was requested to grant permission to transfer land situated at Venkatapuram, Vepagunta, and Gopalapatnam villages to L.G. Chemicals Ltd. in public interest. It was also requested that this land be exempted from provisions of U.L.C. Act, 1976. Furthermore, permission was sought to develop land measuring 4.3101 hectares situated at Waltair Uplands into a holiday resort instead of using the land for construction of residential accommodation for the officers of company.

10. *Vide* G.O. dated 21.06.1997 transfer of lands in Venkatapuram, Vepagunta, and Gopalapatnam villages was permitted in favour of M/s. L.G. Chemicals Limited, subject to conditions mentioned therein. However, request for development of a holiday resort over 4.3101 hectares of land situated at Waltair Uplands was rejected. Government Order dated 26.07.1997 was subsequently passed, withdrawing the exemption granted earlier to M/s. Hindustan Polymers Limited by way of G.O.Ms.No.1033 dated 08.10.1992.

11. Notification under Section 10(1) was issued on 09.10.1997; objections called for; declaration, then published on 24.10.1997 under Sections 10(3), as company failed to surrender surplus land and instead sought exemption as above, which request was rejected. Notice dated 09.12.1997 was issued

under Section 10(5) for handing over possession of land in question within 30 days.

12. Order under Section 10(6) of U.L.C. Act was passed on 16.01.1998, authorizing Mandal Revenue Inspector (Urban), to take over possession of land by conducting Panchanama. In compliance thereto, Mandal Revenue Inspector took possession on 16.01.1998 by conducting Panchanama. Proceedings for payment of compensation to petitioner company were initiated under Section 11 of U.L.C. Act by way of notice dated 06.07.1998.

13. It is to be noted at this stage that, in the meantime, an application was submitted by L.G. Chemicals Limited seeking an amendment to G.O. dated 21.06.1997, that Hindustan Polymers Limited was the existing entity with a request that a rider be added stating it to be a unit of McDowell & Company Limited.

14. An amendment to G.O.Ms.No.526 was carried out by way of G.O.Ms.No.567 dated 05.07.1997, clearly mentioning that Hindustan Polymers would be read as "Hindustan Polymers, a division of McDowell & Company Limited."

15. Earlier, Writ Petition No.23773 of 1998, titled **M/s. McDowell and Co. Ltd. and Another v. Revenue ULC Dept. Hyd. and Another**, was filed by present appellant/ writ petitioner i.e. M/s. McDowell & Co. Ltd., seeking setting aside action of respondents in initiating proceedings under Section 6 of U.L.C. Act, 1976, without issuing an order under Section 20(2) of U.L.C. Act.

Thereafter, petitioners filed Writ Petition No.33741 of 1998, titled **M/s. McDowell and Co. Ltd. v. The State of Andhra Pradesh** challenging G.O.Ms.NO.630 dated 26.07.1997, and seeking a declaration that notifications dated 09.10.1997 and 13.11.1997, issued under Sections 10(1) and 10(3) of the Act, are arbitrary and *ultra vires* of provisions of ULC Act, besides being violative of principles of natural justice.

16. Present petitioner filed a third Writ Petition bearing W.P.No.9481 of 1999, titled **M/s. McDowell and Co. Ltd. v. State of Andhra Pradesh**, with following prayer:

“To issue a writ or order more particularly one in the nature of writ of mandamus declaring the property of the petitioner company of an extent of 4.3101 hectares in S.No.1011/36 in Block No.39, situated in Waltair Ward under Visakhapatnam Municipality, Visakhapatnam Urban Mandal, Visakhapatnam is outside the purview of the provisions of the Urban land ceiling Act 33 of 1976 in view of orders of exemption in G.O.Ms.No.1033 Revenue (UC.III) dated 8.10.1992 and the repealing Act 5 of 1999 dated 11.1.1999 published in Government of India Gazette extraordinary, part-II, and consequently declare the action of the respondents in initiating the proceedings under sections 6 to 11 of the Act against the exempted land of the petitioners as illegal, arbitrary and ultravires...”

All three writ petitions were decided by virtue of a common order dated 08.09.2000.

17. Writ Petition No.33741 of 1998 was allowed on the ground that no reason had been assigned by Government for cancelling exemption granted in

favour of petitioner, as was required under Section 20(2) of U.L.C. Act. Matter was thus remanded to Government for fresh consideration, directing respondents to afford an opportunity for a personal hearing and to pass appropriate orders within a period of three months.

18. In view of the said directions, no orders were found necessary to be passed in Writ Petition Nos.23773 of 1998 and 9481 of 1999, and proceedings were closed in those petitions. Appeals were preferred by State, while writ petitioner also filed writ appeals challenging the closing of Writ Petition Nos.23773 of 1998 and 9481 of 1999.

19. It is to be noted that a Division Bench of this Court, *vide* order dated 16.11.2001, allowed writ appeals filed by State (W.A.Nos.1282, 1283 and 1284 of 2000) while dismissing writ appeal preferred by petitioner (W.A. Nos.1576 and 1630 of 2001). S.L.P. filed by petitioner challenging decision dated 16.11.2001 was dismissed on 03.04.2002. Consequently, withdrawal orders dated 26.07.1997 and consequential proceedings attained finality.

20. Petitioner Company filed a declaration on 03.02.2004 under Section 21 of U.L.C. Act and sought utilisation of land for construction of dwelling houses. An application under Section 21 of U.L.C. Act was filed and Writ Petition No.11591 of 2004, titled **M/s. McDowell and Co. Ltd. v. State of Andhra Pradesh**, was filed, raising a grievance that its applications were not being entertained and that exemption was being illegally withheld.

21. During pendency of said Writ Petition, order dated 05.08.2004 was passed rejecting applications. Consequently, Writ Petition was dismissed. Writ Appeal No.1712 of 2004, filed by petitioner too was dismissed by a Division Bench *vide* judgment and order dated 03.11.2004, while affording liberty to petitioner to file an appeal under Section 33 of U.L.C. Act. Appeal filed by writ petitioner challenging order dated 05.08.2004, was dismissed on 04.10.2005, holding that there was no infirmity in impugned order dated 05.08.2004.

22. In the meantime, steps were taken by respondent authorities to utilise surplus land to an extent of 4.3101 hectares situated at Waltair Uplands, Visakhapatnam. The land was allotted to A.P.I.I.C. for development of I.T. Park, *vide* G.O.Ms.No.829 dated 19.10.2004 and possession of vacant land was handed over to A.P.I.I.C. on 20.10.2004.

23. Writ Petition No.2690 of 2007, titled **M/s. McDowell and Co. Ltd. v. State of Andhra Pradesh**, was filed by writ petitioner challenging order dated 04.10.2005, passed in appellate proceedings. Interim prayer seeking restraint on allotment or assignment of land to any third parties was rejected. Rejection of this interim prayer was challenged by way of Writ Appeal No.646 of 2007, which was dismissed on 21.08.2007, specifically holding that there was no ground for interference and that appeal itself seemed to be part of a strategy adopted by appellant to somehow or the other frustrate the declaration of surplus made more than 35 years ago. Appeal was dismissed with

observation that any alienation made thereafter would remain subject to final adjudication of Writ Petition.

24. Consequent to repeal of Urban Land (Ceiling and Regulation) Act, 1976, appellant/ petitioner filed another Writ Petition No.11421 of 2008, titled **M/s. McDowell and Co. Ltd. v. State of Andhra Pradesh**, in which it was directed that *status quo* regarding possession of land be maintained.

25. As noted in foregoing paragraphs, Writ Petition No.2690 of 2007 was filed by Petitioner Company seeking a direction to call for records pertaining to order dated 04.10.2005 and 05.08.2004, and for setting aside the same. The prayer also included setting aside final statement under Sections 9, 10(1), 10(3), 10(5), and 10(6), and all consequential proceedings in C.C.No.6698 of 1976, including allotment of land in favour of A.P.I.I.C.

26. Writ Petition No.26009 of 2005, titled **M/s. McDowell and Co. Ltd. v. The Secretary to Govt.**, was filed by writ petitioner seeking a direction to respondents to grant exemption to petitioner either under Section 21 or in terms of G.O.Ms.No.11 dated 21.03.2005, in respect to 4.3101 hectares of land situated at Waltair Uplands, Visakhapatnam.

27. Writ Petition No.11421 of 2008, titled **M/s. McDowell and Co. Ltd. v. State of Andhra Pradesh**, was filed by Petitioner Company for setting aside notice dated 09.12.1997, issued under Section 10(5) of U.L.C. Act and a declaration that order dated 16.01.1998, passed under Section 10(6) are null and void as there was no valid Panchanama.

28. Writ Petition No.21235 of 2009, titled **M/s. McDowell and Co. Ltd. v. The State of Andhra Pradesh**, was filed by petitioner seeking initiation of action on its representation dated 01.07.2009, for extending benefits of G.O.Ms.No.567 dated 05.07.1997, and provisions of Urban Land (Ceiling and Regulation) Repeal Act, 1999, which was adopted in the State of Andhra Pradesh with effect from 27.03.2008.

29. Writ Petition No.27111 of 2009 was filed by Sri C. Hanumantha Rao, Advocate, challenging action of respondent No.3/District Collector, Visakhapatnam, in refusing permission to peruse the entire file in C.C. No.6698 of 1976 and furnishing copies of entire file under R.T.I. Act, on the premise that it would prejudice the contentions of the State.

30. All the said writ petitions taken up together for hearing and adjudication by learned Single Bench were dismissed *vide* impugned order dated 15.12.2023.

31. Learned Single Bench, while considering facts and circumstances, took note of the fact that plea raised by petitioner that no notice was served on company as such, but on a non-existent company i.e. M/s. Hindustan Polymers Limited, was devoid of any merit as petitioner had been pursuing this matter ever since and had not raised any such objection in earlier rounds of litigation. Petitioner, it was held, is precluded from pleading that land itself does not vest with Government and that procedure under U.L.C. Act was not

followed. Aggrieved by dismissal of their writ petitions, present appeals have been filed.

32. Learned counsel for appellant vehemently argued that learned Single Bench has grossly erred in passing impugned order dated 15.12.2023. Dismissal of writ petitions is argued to be illegal and without consideration of issues raised and arguments addressed, in correct perspective.

33. Learned counsel for appellant further argued that any order passed against a non-existent company is *null and void ab initio*. Once orders of amalgamation had been passed by Madras High Court and Bombay High Court, Hindustan Polymers Limited no longer had any right over the property in question. M/s. Hindustan Polymers Limited was amalgamated with McDowell & Company Limited and entire movable and immovable property stood transferred and vested with McDowell's Company, therefore, any action taken in respect to land in question (4.3101 hectares at Waltair Uplands, Visakhapatnam), is completely non-est.

34. Reference is made to legal opinion rendered by Law Department, pursuant to passing of interim order dated 03.11.2009 in W.P.No.21235 of 2009, whereby respondents had been directed to consider petitioner's application dated 01.07.2009. It is mentioned in the said note by Law Department that Notice was issued to M/s. Hindustan Polymers Limited and not to M/s. McDowell & Company Limited as such. Thus orders passed without notice to concerned party, may become *void ab initio*.

35. Learned counsel for appellant/writ petitioner further submitted that petitioner is entitled to benefit of Savings clause of Urban Land (Ceiling and Regulation) Repeal Act, 1999. It is thus prayed that all writ appeals be allowed as prayed for.

36. Per contra, learned counsel for respondents, vehemently opposed the arguments as raised and submitted that only objective of appellant/ writ petitioner is to prolong litigation in respect to land in question. Withdrawal of exemption in respect to said land was carried out years ago, but petitioner seeks to drag litigation one way or another. After pursuing litigation for such long years, petitioner cannot now turn around to say that notice was not issued to it but only to M/s. Hindustan Polymers Limited. Impugned order, dated 15.12.2023, it is stated, has been correctly passed and should be upheld. Dismissal of all appeals is sought.

37. We have heard learned counsel for parties at length and have carefully perused the file.

38. Factual aspects as mentioned in foregoing paragraphs are not being repeated for the sake of brevity.

39. Primary argument raised by learned counsel for appellant was that proceedings initiated by department in respect to M/s. Hindustan Polymers Limited cannot hold good *qua* present appellant/ petitioner because once amalgamation of companies had taken place *vide* orders dated 22.02.1982

and 31.03.1982, all subsequent communications, notices, etc., had to be addressed to present petitioner and not M/s. Hindustan Polymers Limited.

40. Argument as raised, though attractive, at the outset is completely devoid of merit. This is so for the reason that name of Declarant Company i.e., Hindustan Polymers Limited was directed to be read as "Hindustan Polymers, A Division of McDowell & Company Limited," *vide* G.O. dated 05.07.1997, on an application seeking such amendment.

41. We have carefully perused the material papers as well as various orders passed under U.L.C. Act, including notification under Section 10(3) of U.L.C. Act. It is to be noted that it is the present petitioner, McDowell & Company Limited, which has been pursuing this litigation, in its own capacity. It had filed numerous writ petitions seeking various reliefs in respect of the *lis*, as are detailed in foregoing paragraphs.

42. Writ Petition Nos.33741 of 1998, 23773 of 1998, and 9481 of 1999 were admittedly filed by present appellants/ writ petitioners i.e. M/s. McDowell & Company Limited. Writ appeals challenging the decision in said petitions, were also filed by petitioner i.e. M/s. McDowell & Co. Ltd., which were dismissed by a Division Bench *vide* order dated 16.11.2001, wherein it was held that conditions laid down in order of exemption had admittedly not been complied with by petitioner (M/s. McDowell & Company Limited), despite extension of time being provided. It is specifically held that once terms and conditions of order granting exemption were not complied with, grant of

exemption is to be automatically cancelled, though State thought it fit to issue a Show-Cause Notice dated 19.07.1996. No explanation had been filed by company for non-compliance of conditions and to the contrary, representation dated 29.10.1996 was submitted seeking permission to alienate lands at Venkatapuram, Vepagunta, and Gopalapatnam Villages in favour of L.G. Polymers and to delink land at Waltair Uplands from the composite exemption order and to construct thereupon a holiday resort instead of residential quarters for employees of aforementioned industries.

43. It was further observed by the Division Bench of this Court, while deciding Writ Appeal No.1285 of 2000 and others that, lands in question are situated in the heart of Visakhapatnam and are worth crores of rupees. It was held as under:

“For the reasons aforesaid, we are of the view that the learned single Judge has erred in setting aside the impugned order of the Government on the ground that it was not supported by reasons. It is not a case where the impugned order has come all of a sudden as a bolt from the blue. The order of grant of exemption passed in G.O.Ms.No.1033 dated 8.10.1992 has culminated into the order of withdrawal of rejection by the impugned, order in respect of the land measuring 4.3101 hectares of land situated at Waltair uplands for violation of the conditions specified in the order of exemption which fact had never been denied or disputed by the petitioners. When all facts are admitted and borne by the record, in our view, no reasons need be supplemented to a formal order to be passed by the State, even assuming that the principles of natural justice are required to be followed by recording reasons in such cases.

Another aspect of the matter is that the extent of 4.3101 hectares situate at Waltair uplands in respect of which exemption had been granted by the State was required to be utilised for the purpose of construction of residential accommodation to the Officers of the Hindustan Polymers, UB Elastomers and UB Petrochemicals. It may be that for some reason or the other those industries could not be established; consequently the land could not be utilised for the purpose for which it was exempted. But, the proposal now set up by the petitioners for conversion of the Waltair uplands into a Holiday Resort was entirely a new proposal. Since the purpose for which the land was exempted from the provisions of the Act by reason of G.O.Ms.No.1033 having not been fulfilled, the State was not bound to accept the new proposal put forth by the petitioner. Once the conditions of exemption are violated, it is open for the State to pass an order of withdrawal of exemption as required under sub-section (2) of Section 20 of the Act, particularly, when it had been clearly indicated in the Memo dated 25.11.1994 issued by the Government while extending the time limit for two years i.e. till the end of December, 1996, that the exemption granted in G.O.No.1033 shall stand cancelled if the company fails to satisfy the conditions Imposed. It is not the case of the petitioners that they are willing to fulfil conditions imposed in G.O.Ms.No.1033 and sought for time and in spite of the same, the Government passed the order of withdrawal. In such an event, in our view, the Government, before passing an order of withdrawal, may be required to assign its reasons for passing the order of withdrawal. But, it is not so. In this view of the matter, we are unable to endorse the view taken by the learned single Judge and the impugned Judgment cannot be sustained.”

44. This order has admittedly attained finality with dismissal of S.L.P. challenging the same.

45. In our considered opinion, it is not open to appellant-petitioner to now subsequently raise question of issuance of notice to an incorrect entity while it

is a matter of record that present petitioner has been pursuing this litigation right from beginning. Such a plea admittedly was never raised by petitioner, at any earlier point of time.

46. Argument that benefit under Section 3 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 (for short, "Repeal Act, 1999") should accrue to petitioner in view of exemption having being given under Section 20(1) of U.L.C. Act, is devoid of any merit. It has been rightly held by learned Single Bench that possession of surplus land was taken over in the month of January 1998, after following due process of law as contemplated under U.L.C. Act and Rules framed thereunder. Section 3 of Repeal Act reads as under:

"3. Savings – (1) the repeal of the principal Act shall not affect-

(a) the vesting of any vacant land under sub-section (3) of section 10, possession of which has been taken over by the State Government or any person duly authorised by the State Government in this behalf or by the competent authority;

(b) the validity of any order granting exemption under sub-section (1) of section 20 or any action taken thereunder, notwithstanding any judgment of any Court to the contrary;

(c) any payment made to the State Government as a condition for granting exemption under sub-section (1) of section 20.

(2) Where-

(a) any land is deemed to have vested in the State Government under sub-section (3) of section 10 of the principal Act but possession of which has not been taken over by the State Government or any person duly authorised by the

*State Government in this behalf or by the competent authority;
and*

(b) any amount has been paid by the State Government with respect to such land, then, such land shall not be restored unless the amount paid, if any, has been refunded to the State Government.”

47. It is reiterated at this stage that W.P.No.6271 of 2005 was filed by present appellant/ petitioner, i.e. M/s. McDowell & Company Limited, challenging allotment of land to A.P.I.I.C. vide G.O.Ms.No.829 dated 19.10.2004, and petitioner had addressed a grievance of his statutory appeal under Section 33 of U.L.C. Act not being decided as also sought restraint upon respondent department not to allot land in question to third parties. Argument that actual possession was not taken is devoid of any merit in the given factual matrix. With Repeal Act, 1999, coming into force in the State of Andhra Pradesh with effect from 27.03.2008, all pending proceedings under the Act have abated. In the present case, land measuring 4.3101 hectares was allotted to A.P.I.I.C. on 19.10.2004 and possession thereof handed over to A.P.I.I.C. on 20.10.2004. Thus, there is no question of any benefit accruing to petitioner in terms of Section 3 of Repeal Act, 1999.

48. Reliance placed by learned counsel for appellant/ petitioner on judgments of Hon'ble the Supreme Court in **Wazir Chand vs. State of Himachal Pradesh** reported in (1954) 1 SCC 787, **Bishambhar Dayal Chandra Mohan v. State of Uttar Pradesh** reported in (1982) 1 SCC 39, **Jilubhai Nanbhai Khachar v. State of Gujarat** reported in 1995 Supp. (1)

SCC 596, Delhi AIR Services Pvt. Ltd and another v. State of UP and another reported in **(2011) 9 SCC 354, Supertech Ltd. v. Emerald Court Owner Resident Welfare and others** reported in **2021 SCC Online 3422** and **Dalsukhbhai Bachubhai Satasia and ors. v. State of Gujarat and ors.** in **Civil Appeal No.6130 of 2016**, is clearly misplaced in the given factual matrix.

49. We have carefully gone through the said judgments but do not find them to be applicable in given factual matrix, wherein effort of petitioner to prolong proceedings in one way or the other is apparent on the face of it.

50. We take note of the fact that W.A.No.915 of 2005 filed by petitioner, challenging order dated 31.03.2005 passed in W.P.No.6271 of 2005 was dismissed by a Division Bench, specifically holding that petitioner by filing successive petitions and appeals has defeated law successfully for a number of years. Orders relating to land have become final much earlier as petitioner had lost its cases against withdrawal of exemption and the matter attained finality with dismissal of S.L.P. filed before Hon'ble the Supreme Court. Therefore, successive petitions are a clear-cut abuse of process of law. Writ Appeal was dismissed with costs of Rs.25,000/-.

51. Petitioner-appellant has been unnecessarily dragging this litigation for such long years despite the matter attaining finality with dismissal of S.L.P.(C) Nos.22972-22976 of 2001, titled **M/s. McDowell and Co. Ltd. v. State of Andhra Pradesh**, on 14.01.2002 and Review Petition (Civil) No.288-292 of 2002 by Hon'ble the Supreme Court on 03.04.2002. A totally unjustified plea

regarding notice not being issued to the correct entity was then raised as a last-ditch effort, despite the petitioner itself having actively pursued earlier litigation, without ever raising such a plea. Admittedly, petitioner was aware of each proceeding and was pursuing it in its own capacity. Conduct of appellant/writ petitioner clearly amounts to abuse of process of law, which calls for imposition of cost.

52. Keeping in view facts and circumstances as above, all five Writ Appeals, being devoid of merit, are dismissed with costs of Rs. 50,000/- each, to be deposited in the account of Andhra Pradesh State Legal Services Authority within sixty (60) days.

Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

LISA GILL, CJ.

R. RAGHUNANDAN RAO, J.

SSN

Uploaded on : 24th June, 2026.

Whether the order is Speaking/Reasoned : Yes / No

Whether the order is Reportable/Non-reportable : Yes / No