

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.37184 of 2015

Date:17.11.2015

Between:

Aditya Bennuri,

S/o B.V.R.N.Rama Rao and another.

..... Petitioners

And:

Visakhapatnam Urban Development Authority,

reptd., by its Vice-Chairman and three others.

.....Respondents

Counsel for the Petitioners: Mr. K.Sudershan

Counsel for the Respondents: None appeared

The Court made the following:

ORDER:

The petitioners, who are the purchasers of a Villa from respondent Nos.3 and 4, have filed this Writ Petition feeling aggrieved by the revision of the approved layout plan resulting in reduction of number of Club houses from three to two.

The foundation, on which challenge to the revision of the layout plan, is mounted is the provisions of Section-12 of the Andhra Pradesh Urban Areas (Development) Act, 1975 (for short 'the Act'). Based on this provision, the petitioners pleaded that before the layout plan submitted by respondent Nos.3 and 4 was revised, respondent No.1 ought to have put the general public on notice and called for their objections. However, a reading of this provision would show that the petitioners have raised this plea on a thorough misunderstanding thereof.

Section-12 of the Act relates to modification of the Master Plan or Zonal Development Plan and not to the individual layouts. It is not the pleaded case of the petitioners that the Master Plan or the Zonal Development Plan are revised. Respondent No.1 has revised only the layout plan, approved in favour of respondent Nos.3 and 4. Therefore, the very premise on which the Writ Petition is filed by the petitioners is misconceived. If the petitioners feel aggrieved by the action of respondent Nos.3 and 4 in revising the approved layout plan, they shall be free to avail appropriate common law remedies for redressal of their grievance *qua* the said respondents.

Subject to the liberty given to the petitioners as above, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.47877 of 2015 shall stand dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

17th November, 2015

DR