

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**TUESDAY, THE EIGHTEENTH DAY OF AUGUST TWO
THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.9982 of 2015

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Between:

K. Syam Sundar Reddy,
S/o. Late K. Radhakrishna Reddy,
Aged about 66 years, Occ: Business
And resident of Flat No.6,
Vijayasai Apartments, Venkataramapuram,
Nellore, SPSR Nellore District.

.. Petitioner

AND

State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration and
Urban Development Department,
Secretariat, Hyderabad & 2 others

.. Respondents

The Court made the following:

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ORDER:

This writ petition is filed questioning the action of the respondents in not considering the representation of the petitioner and others, dated 28.07.2014, and not passing orders for de-reservation of the lands, which were approved by the 1st respondent vide G.O.Rt.No.823, Municipal Administration & Urban Development (W1) Department, dated 29.06.2011, pursuant to the proposals submitted by the 3rd respondent Municipal Corporation on the exchange of lands of the 3rd respondent with the equal value of the lands belongs to the petitioner and others as illegal and arbitrary and consequently to direct the 3rd respondent to send the necessary report immediately pursuant to the letter of the 2nd respondent in Lr.No.962/2014/G, dated 05.08.2014, and thereupon respondents 1 and 2 take necessary action in passing the orders of de-reservation of the lands allotted by the 1st respondent vide G.O.Rt.No.823, Municipal Administration & Urban Development (W1) Department, dated 29.06.2011.

2. Heard the learned counsel for petitioner and Sri Ancha Pandu Ranga Rao, learned Standing Counsel for respondents 2 and 3 and with their consent, the writ petition is taken up for disposal at the stage of admission.

3. Petitioner claims that the petitioner and his brothers are the legal heirs of Late Sri K. Radhakrishna Reddy, who was

the owner of land to an extent of Ac. 35.22 cents in CAS No.214, situated at Venkatramapuram, Nellore Town, SPSR Nellore District. While so, in the year 1994, the 3rd respondent Municipal Corporation acquired the said land for the purpose of laying approach roads to the Box Type Under Bridge Near Vijaya Mahal Gate Nellore. Pursuant to the same, the petitioner and his brothers have agreed and handed over the said land to the 3rd respondent Municipal Corporation on condition of exchange of equal market value municipal site. On 22.1.1996, the 2nd Nellore Municipal Council passed a resolution for allotment of the municipal land in an extent of Ac. 1.765 cents, situated in L.P.Nos.70/91, 66/82 and 55/95 in exchange for the land belonging to the petitioner and his brother to an extent of Ac. 35.22 cents. Subsequently, the 2nd respondent Municipal Corporation addressed a letter to the Government for approval and ratification of the said resolution and requested the Government to pass appropriate orders on the said resolution. The petitioner claims that he has made an application for grant of building permission on the land exchanged by the 3rd respondent and subsequently approved by the 1st respondent. But the 3rd respondent did not grant the building permission on the ground the 1st respondent is only the competent authority to pass orders by de-reserving the allotted lands. On 28.07.2014, the petitioner and his brothers made a representation to the respondents to consider their case and necessary orders be passed for de-reservation of the lands allotted by the 1st respondent vide G.O.Rt.No.823, dated 29.06.2011, but so far, no action is taken and the same is pending.

4. When the matter is taken up, both counsel agreed for disposal of the writ petition with a direction to the respondents to

expeditiously dispose of the complaint of the petitioner.

5. Having regard to the same, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing the respondents to consider the representation of the petitioner, dated 28.07.2014, and pass appropriate orders, as warranted under law, within a period of four (4) weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 18th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 18th August, 2015

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