

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD**

**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA  
PRADESH**

**TUESDAY, THE SIXTEENTH DAY OF JUNE TWO THOUSAND AND FIFTEEN**

**Present**

**HON'BLE SRI JUSTICE P.NAVEEN RAO**

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**WRIT PETITION No.17020 of 2015**

Between:

M/s.Vasantha Industries Ltd., (Formerly Vasantha Spinners Ltd., ) (A Company registered under Indian Companies Act of 1956) Office at Door No.4-383/2, NH-16, Thimmapuram Village, Edlapadu Mandal, Guntur District, rep. by its Managing Director Mr. V. Venkata Krishna Prasad.

.. Petitioner

AND

The State of Andhra Pradesh, represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad and others.

.. Respondents

**The Court made the following:**

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

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**WRIT PETITION No.17020 of 2015**

**ORDER**

With the consent of the learned counsel for the petitioner, learned Government Pleader for Industries and Commerce (AP) for respondents 1, 4 and 5 and learned Standing Counsel for respondents 2 and 3, this writ petition is disposed of at the admission stage.

2. The petitioner claims to have acquired the land to an extent of Acs.31.35 cents in Thimmapuram Village, Edlapadu Mandal, Guntur District. It had submitted an application to the respondent on 07.08.2013 seeking to construct

RCC and Galvalume Sheet Roof for expansion/diversification. There was exchange of correspondence on various issues and ultimately, by the impugned letter dated 15.05.2015, the petitioner was asked to pay an amount of Rs.18,80,990/- for various items mentioned therein and also the petitioner was directed to furnish a registered gift deed in favour of Panchayat Secretary, Timmapur Grampanchayat to the extent of land, which would be forming part of a road. Aggrieved by the condition to execute gift deed, the petitioner instituted the present writ petition.

3. Learned counsel for the petitioner submits that if the Government is in need of private land for any development including laying of a road, it has to pay appropriate compensation and cannot take forcibly the private land without following due process of law. He placed reliance on two decisions of this Court in W.P.Nos.1995 of 2012 and W.P.No.24427 of 2014 in support of his contention. He further submitted that even if a particular area is falling within the master plan and earmarked for a road, the person cannot be compelled to part with the said land without paying appropriate compensation. Learned counsel further submits that it has to be informed as to whether there was a master plan and according to that master plan, particular piece of land is earmarked for construction of a road and in the absence of those particulars, the petitioner cannot be compelled to surrender huge extent of land.

4. Learned Standing Counsel representing 2<sup>nd</sup> and 3<sup>rd</sup> respondents submits that in view of the provision contained in Section 110(7) of Andhra Pradesh Capital Region Development Authority Act, 2014 (for short 'the Act'), there is no question of making any payment to the petitioner and such surrender has to be voluntary and free of cost and then only appropriate permission would be granted. He further states that the petitioner has not assailed the said provision and as long as the said provision remains in the Statute, there is no requirement to pay the amount and such surrender of the land is on free of cost.

5. As seen from the order impugned, no details are furnished as to how the petitioner was compelled to execute a gift deed by resorting to the provision contained in Section 110(7) of the Act. If only a particular area is falling within the road as per the master plan, then the provision under Section 110(7) of the

Act can be invoked. Thus, the essential particulars to exercise such power are not discernable in the order impugned. In the absence of furnishing the details, the petitioner cannot be compelled to part with his land and it would amount to taking away his right without following due process of law.

6. Having regard to the same, the Writ Petition is disposed of, directing the third respondent to furnish the details of the master plan or other plans as envisaged under Section 110(7) of the Act to the petitioner, within a period of two weeks from the date of receipt of a copy of this order, which would disclose the particular area is earmarked for construction of a road and the land of the petitioner is falling in the said area. In such a case, it is for the petitioner to work out its remedies as available in law. It is needless to observe that if the portion is not earmarked for construction of the road as per the plans as envisaged under Section 110(7) of the Act, the matter should be processed further without compelling the petitioner to furnish a registered gift deed.

7. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

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**P.NAVEEN RAO, J**

16<sup>th</sup> June, 2015

Note:

Issue CC in three days

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