

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7160 OF 2015

ORDER:

This writ petition is filed stating that the first petitioner is the owner of a house bearing D.No.13-159, Assessment No.2105 in R.S.No.31, 32, 34, 42, Cheruvu street, Velpur, Tanuku Mandal, West Godavari District. 2nd petitioner is the owner of a house bearing D.No.20-2, Assessment No.2095, 2114 in R.S.No.43, 69 Puvvadavari Street, Velpur, Tanuku Mandal, West Godavari District. 3rd petitioner is the owner of a house bearing D.No.5-71, Assessment No.2103, in R.S.No.42, 43, 46 and 47, Gudimetlavari Street, Velpur, Tanuku Mandal, West Godavari District and the 4th petitioner is the owner of a house bearing D.No.24-369, Assessment No.2098 in R.S.No.43, Oppo.Petrol Bunk, Velpur, Tanuku Mandal, West Godavari District.

It is further stated that the present writ petition being filed by the petitioners challenging the notice under Form-1 in Roc.No.623/2013-G1 dated 17.01.2015 issued by the 2nd respondent exercising the power under Rule 27 of Andhra Pradesh (Andhra Area) Town Planning Act, 1920 and the Town Planning Rules, 1933 expressing its intention to implement a proposed scheme of Master Plan for Tanuku Municipality is illegal and void and consequently direct the respondents to drop all further proceedings by setting aside the impugned notification.

Now, the grievance is that the second respondent issued public notice in Form No.1 to get approval of master plan for Tanuku Municipality, wherein objections are invited from the public on or before 19.03.2015 against the said Form -1 notice. Thereupon, the petitioners submitted their objections on 16.03.2015 raising their objections regarding the validity of the very notification and also the vagueness in giving particulars of the lands and premises of the respective owners of those properties enabling them to raise their objections in

that regard. It is also stated that the notice under Form-1 is wholly illegal and contrary to the provisions of the Andhra Pradesh(Andhra Area) Town Planning Act, 1920 and the Town Planning Rules. The 2nd respondent under the guise of present impugned notification sought to include the properties of the petitioners situated in Velpur village in the proposed Master Plan, and when the petitioners brought the same to the notice of the 2nd respondent, the 2nd respondent was not heeded to their objections and when the petitioners requested the 2nd respondent to issue independent notices to the persons whose properties are included in the proposed master plan to enable them to file objections as contemplated under Rule 36 of the Town Planning Rules, 1933, the 2nd respondent refused to give such notices stating that Form-1 notice itself sufficient compliance as per rules and no separate notice is required to be given.

The fact remains that the petitioners filed objections to the notice calling for objections for approval of master plan and it is for the respondents 2 and 3 to consider the same and thereafter take appropriate action. Since it is at the stage of considering objections, it cannot be said that the second and third respondents will not consider the objections. Learned standing counsel also submits that the objections filed by the petitioners will be considered and thereafter the further action will be taken.

In view of the same, the writ petition is disposed of directing the second and third respondents to consider the objections dated 16.03.2015 filed by the petitioners before proceeding further in the matter. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

20.03.2015

Rns

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Date:20.03.2015

Rns

