

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

-

WRIT PETITION No.12281 OF 2010

09-10-2015

Between:

M/s. Sudershana Chakra Constructions Builders and Developers rep., by its
Managing Partner Nannapuneni Narendra, S/o. Narsimha Murthy, aged 38 years,
Occ: Business, R/o. 16-3-125, Perukawada, Warangal District

... Petitioner

And

Kakatiya Urban Development Authority rep., by its Vice Chairman, Warangal and
another

... Respondents

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

WRIT PETITION No. 12281 OF 2010

-

ORDER: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the petitioner, learned Government Pleader and learned counsel for the Urban Development Authority.

The petitioner, in the instant writ petition, challenges the condition to get No Objection Certificate (NOC) prescribed by the Urban Development Authority and/or applicability of the Andhra Pradesh Agricultural (Conversion for Non-Agricultural Purposes) Act, 2006 to the areas covered by the A.P. Urban Areas (Development) Act, 1975.

This Court, by common order dated 28.08.2015, considered similar issue in W.A.No.702 of 2010 and batch and confirmed the common order dated 28.04.2010 in W.P.No.26688 of 2007 and batch passed by a learned Single Judge. The relevant portion of the order dated 28.08.2015 reads thus:

“The Urban Development Authority construing strictly gets jurisdiction to entertain an application for which conversation tax is paid under Act 3 of 2006 and the NOC can be justified by this reason as well. The insistence at best can be treated as a concomitant and the authorities can certainly insist upon NOC from applicant for processing the application made under Section 14 of Act 1 of 1975. For the view taken on questions (i), (ii) and (iii), no exception could be found against the impugned common order dated 28.04.2010. For the reason stated above, the appeals are without merit and accordingly dismissed.”

Through order dated 28.08.2015 in W.A.No.702 of 2010 and batch, this Court confirmed the common order dated 28.04.2010 in W.P.No.26688 of 2007 and batch and disposed it of with the following observations:

a) It shall be competent for the Urban Development Authorities or the Local Authorities, as the case may

be, to insist on submission of clearance/permission under the 2006 Act as a condition precedent for releasing of layouts, and

b) the land has been put to non-agricultural use before the 2006 Act came into force, such clearance/ permission shall not be insisted.

c) Conversion of land into Non-agricultural use under the provisions of Act 3 of 2006 is necessary even if the land is covered by Master Plan and sanction of layout by the Development Authority under the provisions of Act 1 of 1975.

The learned counsel appearing for all the parties admit that this writ petition is covered by the common order dated 28.08.2015 and can be disposed of in terms thereof. The writ petition is accordingly disposed of in terms of the order dated 28.8.2015.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

DILIP B. BHOSALE, ACJ

09-10-2015

ks