

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.24092 of 2013

Dated 25.11.2015

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Between:

Okya Engineering Constructions (P) Ltd.,
rep. by its Director B.Sudarshan Reddy
Hyderabad and 3 others

... Petitioners

and

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The Hyderabad Metropolitan Development Authority
rep. by its Metropolitan Commissioner,
Hyderabad and 2 others.

...Respondents

Counsel for the petitioners: Mr.P.V.Rajasekhar

Counsel for respondent No.1: Mr.Y.Rama Rao, SC for HMDA

Counsel for respondent No.2: AGP for Revenue (TS)

Counsel for respondent No.3: AGP for Municipal Administration (TS)

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to declare the action of the respondents, in directing the petitioners to obtain No Objection Certificate (NOC) from the Collector/Revenue Divisional Officer for conversion of their agricultural lands for non-agricultural use as per the Andhra Pradesh Agriculture Land (Conversion for non-agriculture purposes) Act, 2006, and the Rules made thereunder *vide* its Letter No.9285/MP2/Plg./HMDA/2007, dated 05-08-2013, as illegal, arbitrary and unjustified.

At the hearing, Mr.P.V.Rajasekhar, learned Counsel for the petitioners, has not disputed that the issue raised by the petitioners in this Writ Petition is no longer a *res integra* in view of Judgment, dated 28-08-2015, of a Division Bench of this Court in Writ Appeal No.702 of 2010 and batch, wherein it was held that the Urban Development Authority is justified in insisting on production of NOC for processing the applications made under Section 14 of the Andhra Pradesh Urban Areas (Development) Act, 1975. The learned Counsel, however, submitted that some important legal aspects were not advanced before the Division Bench and that therefore, the said judgment requires reconsideration.

I am afraid I cannot accept the above submission of the learned Counsel for the petitioners. When a Court of record renders a judgment, the same has a binding effect as a precedent. Even if certain aspects were not considered by the Court in rendering its judgment, it will not cease to have such

a binding effect. Therefore, judicial discipline and propriety requires that this Court follows the Division Bench judgment. If the petitioner is not satisfied with the judgment of the Division Bench, he shall be free to raise the legal issues in the appeal that may be filed by him against the present order being passed in this Writ Petition.

In the light of the above position in law and following the Division Bench judgment as noted above, the impugned condition stipulated by respondent No.1 in its Letter No.9285/MP2/Plg./HMDA/2007, dated 05-08-2013, cannot be termed as illegal or without jurisdiction.

The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, interim order, dated 19-08-2013, is vacated and WPMP.No.29629 of 2013, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 25th November, 2015

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