

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.31635 of 2015

Date : 27-10-2015

Between :

Bhagavathula Siva Subrahmanyam
S/o Dakshana Murthy Sastry
R/o D No. 6-6-12, Chunduru vari street
Ganganammampeta, Tenali and another

Petitioners

And

State of A P
Rep by its Principal Secretary,
Municipal Admn & Urban Devp Dept
Secretariat, Hyderabad and others

Respondents

The Court made the following:

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ORAL ORDER:

According to petitioners, they are owners of different extents of lands in Survey Nos. 22, 28, 29, 30, 33, 40 and 42, Malkapuram Agraharam village, Tulluru mandal, Guntur district. They have given declaration in Form 9.3 under Rule 6 (ii) of The Andhra Pradesh Capital City Land Pooling Scheme (Formulation and Implementation) Rules, 2015 notified under the A.P. Capital Region Development Authority Act, 2014 (for short the Act). Pursuant to the declaration given by the petitioners as per the land pooling scheme, notice dated 23.6.2015 was issued directing the petitioners to appear before the competent authority for conducting enquiry on 9.7.2015 at 11.00 a.m., at CRDA office, Thullur village and mandal, Guntur district. However, petitioners did not attend the enquiry as they apprehended danger to their lives from rivals. In fact, on behalf of the petitioners, other family members have submitted detailed representations requesting the competent authority to conduct enquiry at any other place by giving due police protection.

2. Learned counsel for petitioners submitted that enquiry was conducted by giving notice to only such persons who have actually submitted representation, ignoring the fact that request was made for all family members and enquiry was conducted behind the back of the petitioners and no opportunity was given to the petitioners. Aggrieved thereby, this writ petition is instituted.

3. Learned standing counsel for second respondent submitted that though enquiry was scheduled to be held on 9.7.2015, taking due note of apprehensions expressed by some of the land owners, enquiry was rescheduled and by giving police protection as requested, enquiry was held in the CRDA office at Thullur village and mandal on 10.7.2015 and 30.7.2015 and after conclusion of the enquiry, amount payable was determined and on identifying the beneficiaries amount was paid. It is stated that petitioners did not choose to attend the enquiry originally scheduled on 9.7.2015 and on the subsequent dates. However, learned standing counsel for second respondent, on instructions, fairly submits that competent authority is willing to give them a

further opportunity and will conduct enquiry by giving requisite protection.

He further submits that as against several survey numbers mentioned in the declaration submitted by the petitioners and notice issued for conducting enquiry, no enquiry was conducted in so far as survey Nos. 33/7 and 40 are concerned. He further submits that date may be fixed for appearance of petitioners and on the specified date enquiry will be conducted by providing requisite police protection.

4. In view of the fair submission of the learned standing counsel for second respondent, writ petition is disposed of directing the petitioners to appear before the competent authority at CRDA office, Tullur on 18.11.2015 at 10.30 a.m for enquiry with reference to properties of the petitioners mentioned in the declarations filed by them in Form 9.3 under Rule 6 (ii) of the Rules. The competent authority of CRDA shall ensure appropriate protection to the petitioners during enquiry and on conclusion of the enquiry shall take further course of action as warranted by law. It is made clear that if petitioners fail to appear for enquiry on 18.11.2015, it would be deemed that petitioners have no objection with reference to procedure adopted by respondent authorities and it would be open for respondent authorities to take further course of action as warranted under law. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:27.10.2015
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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