

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.38587 of 2015

Dated 28th January, 2016

Between:

Smt.D.Satyavathi

...Petitioner
party-in-person

And

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

...Respondents

Counsel for the petitioner: Smt.D.Satyavathi
party-in-person

Counsel for respondent No.1: GP for Municipal Administration

The Court made the following:

ORDER:

This writ petition is filed with certain grievances against respondent Nos.2 and 3.

As regards the grievance against respondent No.2, the petitioner pleaded that though she has made a representation on 04.09.2014 requesting it to furnish a certified copy of layout plan bearing VUDA L.P.No.3/99, Rc.No.188/9562, the same was not considered.

At the hearing, Sri S.Lakshmi Narayana Reddy, learned Standing Counsel for GVMC appearing for respondent No.2, on instructions, submitted that the petitioner's request was considered

as far back as 15.06.2015 and respondent No.2 has sent a copy of layout plan with an endorsement. The petitioner, who appeared as party-in-person, has however disputed the said submission of the learned Standing Counsel. In view of the same, the learned Standing Counsel has fairly agreed that respondent No.2 will furnish a certified copy of the revised layout plan bearing VUDA LP No.3/99. In view of the same, the grievance of the petitioner in this regard stands redressed.

As regards the grievance against respondent No.3, the petitioner pleaded that the same representation as referred to above was made to respondent No.3 with the following prayers -

- (1) to conduct re-survey in the layout and demarcate the extent of Ac.1.50 of land claimed by the petitioner in Survey No.254;
- (2) to furnish a certified copy of order No.VUDA L.P.No.3/99, RC.No.188/9562 and (3) a copy of the master plan.

With regard to the request of the petitioner for conducting re-survey, she has placed reliance on Section 40 of the A.P.Urban Areas (Development) Act, 1975 (for short 'the Act'). Under this provision, the Urban Development Authority may authorise any person or workmen to enter into or upon any land or building with or without assistance of any person or workmen *inter alia* for the purpose of making any enquiry, inspection, measurements or taking levels of such land or building. The petitioner is unable to draw this Court's attention to any provision under which an obligation is cast upon respondent No.3 to conduct survey or re-survey on demand by any person. While the powers under Section 40 of the Act have been conferred on respondent No.3 to enable it to discharge its functions and exercise its powers conferred on it by the Act, unless a right is conferred on any person to demand conduct of survey in a private layout, respondent No.3 is not obligated to accede to such request or yield to such demands. In this view of the matter, the relief of direction to respondent No.3 to conduct re-survey and demarcate

the land in the above-mentioned layout cannot be granted.

With regard to furnishing of certified copy of layout, since respondent No.2 has undertaken to furnish the same, no direction to respondent No.3 in this regard is necessary. Respondent No.3 is, however, directed to supply certified copy of master plan to the petitioner on her approaching it and paying required fees.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, WP.M.P.No.49673 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

28th January, 2016
VGB