

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND STATE OF ANDHRA PRADESH

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE

&

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.39020 of 2015

Dated: 26.07.2016

WRIT PETITION No.39020 of 2015:

BETWEEN

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Karumanchi Anil Kumar,
S/o. late Sivarama Krishna Prasad,
R/o. Krishnayapalem, Mangalagiri Mandal,
Guntur District.

...PETITIONER

AND

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

... RESPONDENTS

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE

&

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.39020 of 2015

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PC: (Per Hon'ble the Acting Chief Justice Dilip B.Bhosale)

Heard Mr. V.S. Prasad, learned counsel holding Mr. V.S.R. Anjaneyulu, advocate on record for petitioner and learned Advocate General for the State of Andhra Pradesh for respondents.

2. Petitioner in the instant writ petition seeks the following prayer:

“(i) declaring definition Jareebu as defined in Clause (i) of sub-Rule (1) of Rule 3 of the Andhra Pradesh Capital City Land Pooling Scheme (Formulation and Implementation) Rule, 2015 as illegal,

(ii) declaring the action of the respondents in treating only Sy.Nos.1 to 52 of Krishnayapalem Village, Mangalagiri Mandal, Guntur District, as jareebu, as illegal, besides directing to include all the lands drawing water by pipelines, etc. from Krishnayapalem Lift Irrigation Scheme including the petitioner’s land in Sy.No.77 as jareebu,

(iii) directing the respondents to treat Krishnayapalem Village, Mangalagiri Mandal, Guntur District as semi-urban on par with villages shown in G.O.Ms.No.43 MA & UD (M-II) Department, dated 9.3.2015, declaring the action of the respondents in not extending the same benefits to Krishnayapalem Village as discriminatory.”

3. It is not in dispute that first two prayers have rendered infructuous in view of the fact that the Andhra Pradesh Capital City Land Pooling Scheme (Formulation and Implementation) Rules, 2015 have been withdrawn vide G.O.Ms.No.185 Municipal Administration & Urban Development dated 25.08.2015. We are informed that the Government has issued fresh G.O.Ms.No.165 Municipal Administration & Urban Development (CRDA2) Department dated 25.06.2016.

Insofar as the third prayer is concerned, learned counsel for petitioner submits that the petitioner has already made representation dated 08.08.2015 making similar prayer and the petitioner would be satisfied, if directions are issued to the concerned authority to consider and decide the same within a timeframe. Hence, we dispose of this writ petition with the following order:

1. It is open to the petitioner to challenge G.O.Ms.No.165 dated 25.06.2016, if he so desires and advised, in appropriate proceedings.
2. The concerned authority of the respondents shall consider and decide petitioner’s representation dated 08.08.2015 (annexure P8) as expeditiously as possible and preferably within a period of twelve (12) weeks from the date of receipt of a copy of this order, on merits, in accordance with law.

3. All contentions, insofar as third prayer is concerned, are kept open.
4. If any further steps are taken it is needless to mention that they would be subject to the outcome of the orders that would be passed on the representation.

Consequently, the miscellaneous applications, if any pending, shall stand closed.

DILIP B.BHOSALE, HACJ

A.V. SETHA SAI, J

July 26, 2016
DSK