

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.16673 of 2016

-

Dated: 26.07.2016

WRIT PETITION No.16673 of 2016:

BETWEEN

-
Suryadevara Nagamani, W/o. S. Nagabhushana Rao,
R/o. H.No.59-1-18/2, Ramchandra Nagar, Vijayawada
and others.

...PETITIONERS

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.16673 of 2016

-
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 petitioners and learned Advocate
General for the State of Andhra Pradesh for respondents.

2. Petitioners in the instant writ petition seek 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 petitioners' lands in Sy.Nos.154 and 155 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fact that the Andhra Pradesh Capital City Land Pooling Scheme (Formulation and Implementation) Rules, 2015 have been withdrawn vide G.O.Ms.No.185 Municipal Administration & Urban Development dated 25.08.2015.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 petitioners submits that the petitioners have already made representation dated 08.08.2015 making similar prayer and they 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 petitioners 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 petitioners' 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