

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.7920 of 2016

ORDER:

Heard Sri Ravi Kondaveeti, learned counsel for the petitioner, Sri D. Ramesh, learned Standing Counsel for the Andhra Pradesh Capital Region Development Authority (APCRDA), and Sri Ambati Srinivas, learned counsel representing Sri Nimmagadda Satyanarayana, learned counsel on caveat for the tenth respondent.

The prayer of the petitioner association in this case is as under:

“For the reasons stated in the accompanying Affidavit, the Petitioner prays that this Hon'ble Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Mandamus declaring the action of 3rd Respondent i.e. A.P. Capital Regional Development Authority, Vijayawada in not taking action against the 7th Respondent for committing illegal activities without submitting remarks/explanation in pursuance of the proceedings in Rc.No.C8-2233/2010, dated 3.1.2015 and 16.04.2015 issued by the Commissioner, A.P. Capital Region Development Authority, Vijayawada and further declare the proceedings in R.O.C.No.61/2015, dated 5-2-2016 issued by the 7th Respondent as wholly illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently declare that the 7th Respondent has no jurisdiction to interfere with the land pertaining to the set backs and open place belonging to Sree Avenue Apartments, Door No.8-176 in R.S.No.11/7 and 12/4, Tadigadapa Village, Penamaluru Mandal, Krishna District approved by competent authority vide proceedings in R.C.No.C8-2233/2010 dated 05-10-2010 and pass such other and further order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

It appears that acting upon the complaints made by the petitioner association, the APCRDA issued notices dated 03.01.2015 and 16.04.2015 to the seventh respondent Gram Panchayat. The complaint of the petitioner association presently is that no action is

being taken thereafter.

The tenth respondent claims to be the absolute owner of a plot of land abutting the apartment block occupied by the members of the petitioner association.

As the APCRDA is yet to take action pursuant to its notices dated 03.01.2015 and 16.04.2015, it is wholly premature at this stage for this Court to entertain this writ petition for adjudication on merits when the authority concerned is yet to apply its mind in the matter and take a decision. Further, this Court deems it unnecessary to put the other unofficial respondents on notice as the writ petition is being disposed of without adjudication on merits of any issue arising in this writ petition.

The writ petition is accordingly disposed of directing the APCRDA to take appropriate action pursuant to its notices dated 03.01.2015 and 16.04.2015 in accordance with law. In the course of this exercise, the APCRDA shall give due notice and opportunity of hearing to all persons who would be affected by any decision taken by it pursuant to the afore-stated notices. This entire exercise shall be completed expeditiously and in any event, not later than eight weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

11th March, 2016

Note:-

Issue CC in three days.

B/o

IBL/PGS