

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.38284 OF 2016

Dated:14.11.2016

Between:

Garapati Ashok Kumar, S/o.Master Sai
Naga Sitarama Chandra Prasad Chowdhary,
Aged about 40 years, R/o.39-9-23,
Labbipet, Vijayawada

.. Petitioner

And

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

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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ORDER:

This Writ Petition is filed for the following relief:

“.. to issue a writ of Mandamus declaring the inaction on the part of the respondent authorities in passing necessary orders deleting the land of Ac.0.92 cents (0.46 ½ cts. in Survey No.387B and 0.46 cts. in Survey No.387-A1) situated in Bethapudi Village, Nowluru Sivaru of Mangalagiri Mandal in Guntur District from the pooling, pursuant to the notice dated 08.02.2016 issued in our behalf and also earlier representations as illegal, arbitrary and violative of the provisions of the Andhra Pradesh capital region development authority Act, 2014 and the Andhra Pradesh Capital City Land Pooling Scheme Rules, 2015 and also the other laws and provisions of the Constitution of India and violative of principles of natural justice and fair play and consequently direct the respondents to pass necessary orders deleting the said land from the pooling without interfering with the possession and enjoyment of the petitioner and pass such other orders as are deemed fit and proper.”

2. The petitioner has earlier given consent to Capital Land Pooling Scheme under the Capital Region Development Authority Act, 2014 (for short, ‘the Act’). Subsequently, he wanted to withdraw from the scheme and accordingly a notice was given through his advocate on 08.02.2016. Alleging that no further response was given to the petitioner, in spite of issuing a notice for withdrawing from the Land Pooling Scheme, this Writ Petition is filed.

3. The instructions furnished to the learned Standing Counsel for Capital Regional Development Authority by the Deputy Collector and Competent Authority of LPS Unit – 2, Nowlur -1

Village would show that though the petitioner had consented for Land Pooling Scheme, he has not handed over the concerned land and the same vests in him and only the consent form is still lying with the respondent authority. The instructions would further show that the Government would be at liberty to acquire the land under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the requirements of the Capital City Development Project.

4. Admittedly, so far no communication is furnished to the petitioner on his notice, dated 08.02.2016.

5. Having regard to the same, the Writ Petition is disposed of directing the 2nd respondent to respond to the notice issued on 08.02.2016, wherein the petitioner expressed his desire to withdraw from the Land Pooling Scheme, and communicate its decision by a reasoned order as expeditiously as possible preferably within a period of two (2) weeks from the date of receipt of a copy of this order. If the petitioner is aggrieved by any such decision, it is open for the petitioner to work out his remedies as available in law. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:14.11.2016

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