

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.12125 of 2012

ORDER

The petitioners state that the land in Sy.No.315-1, admeasuring an extent of Ac.9.59 cents situated in Anantapur Town, Anantapur District, belongs to one late S.Pedda Narayanaswamy and late S.Chinna Narayanaswamy, who got the said property by way of registered gift deed in the year 1963. The said property was divided in the year 1977 and was mutated in the revenue records. After partition of the property, both of them applied for approval of the layout and the same was approved by the 2nd respondent on 28.8.1985. At the time of approval of the layout, they were asked to handover 10% of the said land towards public purpose and accordingly, they handed over the same by means of gift deed dated 23.3.1987. The lay out was approved in respect of an extent of Ac.2.75 cents, which was earmarked for school in Sy.No.315 A & B and also in view of the approval of the master plan in G.O.Ms.No.1222 (MA), dated 13.10.1981. The petitioners state that during the life time of their father, a representation was made on 22.5.1989 stating that an extent of 0.52 cents of land in Sy.Nos.315-1/A and 315-1/B, was utilized for formation of 80 feet road and 40 feet road and the said roads are not shown in the master plan and requested for payment of compensation. Though the said representation was received, the same was not considered. Thereafter, the petitioners submitted representations, but the same were also not considered. Hence,

they filed W.P.No.851 of 2012 and the same was disposed of on 15.2.2012 directing the respondents to consider the representation and pass appropriate orders. Pursuant to the same, when the 3rd respondent issued a letter on 12.4.2012 rejecting the representation submitted by the petitioners, the present writ petition was filed.

A counter-affidavit is filed by the 1st respondent stating that initially lay out was approved by the Director, Town & Country Planning, Andhra Pradesh, Hyderabad, in respect of Sy.No.315(P) of Anantapur, to an extent of Ac.9-50 cents in favour of S.P.Narayanaswamy in L.P.No.518/85. Technical approval was issued as per the master plan only. At that time, the petitioners' father submitted a representation to the Municipal Commissioner on 6.8.1986 & 14.10.1986 stating that they are ready to handover the roads and open space to the Municipality as per layout L.P.No.518/85 on 14.10.1986. Thus, it is evident that the petitioners' father accepted the layout pattern of 40 feet and 80 feet road and accordingly, roads were formed. The said roads and open spaces were registered in favour of the Municipality vide document No.2654, dated 23.3.1987. The present writ petition was filed in view of the increase in price of the land.

Though the impugned order dated 12.4.2012 does not contain any reason for rejecting the representation of the petitioner, as could be seen from the material available on record, the petitioners submitted a representation on 2.3.2012 stating that they have lost their land to an extent of Ac.0.56 cents due to formation of 40 feet road on eastern side and 80 feet road on the

western side of their land against the approved master plan. It is their case that in order to help the land owners in L.P.Nos.98/85 and 28/70 in S.No.313, roads were laid in S.Nos.315-1A and 315-1B, affecting the land of the petitioners. Though in the counter-affidavit it is stated that father of the petitioners himself accepted for laying the roads as per the master plan and executed a gift deed on 23.3.1987, the grievance of the petitioners appears to be not with regard to the land covered by LP No.518/85 on 14.10.1986. Their grievance appears to be with regard to formation of roads on the eastern and western side of their land.

In the absence of any sketch or document and in the absence of reasons given in the impugned order, this Court is not in a position to decide the issue. In the circumstances, the impugned order dated 12.4.2012 is set aside and the matter is remanded to the 3rd respondent for passing appropriate orders duly giving reasons to the representations submitted by the petitioners on 25.7.2011 & 2.3.2012 by enclosing necessary sketches in support of the same. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

27th December, 2016
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