

**THE HONOURABLE SRI JUSTICE A.V.SESHA SAI**

**WRIT PETITION No.22050 of 2018**

**ORDER:**

Heard learned Counsel for the petitioner and Sri A.Panduranga Rao, learned Standing Counsel for the respondent-Municipal Corporation.

2. An endorsement bearing LRS.No.1459/2010-G2, dated 25.06.2018, issued by the Commissioner, Municipal Corporation, Rajamahendravaram, to the extent of directing the petitioner to pay an amount of Rs.5,24,603 towards balance penal amount is under challenge in the present Writ Petition.

3. The petitioner herein claims to be the absolute owner and possessor of the plots No.5, admeasuring 419 Sq.Yds.; No.6 admeasuring 573 Sq.Yds.; and No.7 admeasuring 561 Sq.Yds., situated in R.S.Nos.148/1 and 148/2 of Srikrishna Nagar Lalacheruvu, Rajahmundry, East Godavari District. The petitioner herein, in the light of the A.P.Regulation of Unapproved and Illegal Layout Rules, 2007 (hereinafter, referred as 'the Rules'), notified vide G.O.Ms.No.902, MA & UD (M1) Department, dated 31.12.2007, submitted an application on 26.03.2010 for regularization of the said plots. The principal grievance of the petitioner in the present Writ Petition is that in contravention of Rule 8 of the said Rules, the respondent-authorities, by way of the impugned endorsement, are insisting upon the payment of amount by taking into account the current market value of the property instead of the market value prevailing as on 01.01.2002 as per the said provision of law.

4. A counter affidavit, deposed by the Commissioner, Municipal Corporation, Rajamahendravaram, is filed and paragraph No.15 of the said counter affidavit indicates that for fixation of the said amount in the impugned endorsement, the respondent-Corporation took into account the market value prevailing as on 26.10.2017.

5. According to Rule 8 of the said Rules, the respondent-authorities should take into account the land value prevailing as on 01.01.2002. The State Government, in the year 2008, by way of G.O.Ms.No.113, Municipal Administration & Urban Development (M1) Department, dated 31.01.2008, notified amendments to the Rules 8 and 10 of the said Rules. A copy of the said Governmental Order is placed along with the counter as material paper. Even according to the said Governmental Order, wherein the State Government notified the amended Rules 8 and 10, the market value of the property as on 01.01.2008 needs to be taken into consideration. Therefore, the very action of the respondent in insisting upon the petitioner to pay the amount as per market value as on 26.10.2017 is impermissible and cannot be sustainable in the eye of law.

6. For the aforesaid reasons, the Writ Petition is allowed, setting aside the endorsement, dated 25.06.2018, to the extent of directing the petitioner herein to pay an amount of Rs.5,24,603/- towards the balance penal amount. Consequently, it is directed that the respondent shall adhere to A.P.Regulation of Unapproved and Illegal Layout Rules, 2007 and the amendments carried out thereafter and notified vide G.O.Ms.No.113, Municipal Administration & Urban Development (M1) Department, dated

31.01.2008, and to process the application of the petitioner herein further, subject to compliance of all other requirements and to pass final orders, strictly in accordance with law, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this Order.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed. There shall be no order as to costs.

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**JUSTICE A.V.SESHA SAI**

Date :01.10.2018  
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