

**HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA  
PRADESH**

(Special Original Jurisdiction)

THURSDAY, THE SIXTH DAY OF AUGUST  
TWO THOUSAND AND FIFTEEN

:PRESENT:

**THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

WP .NO:21951 of 2015

Between:

- 1 Shri K. Ramesh Ankineedu S/o. K.Ch. Gandhi Babu
- 2 N. Easwar Rao S/o. Late Sri Krishnaiah
- 3 D. Satya Srinivas S/o. Raja Rammohana Rao.

**... Petitioners**

AND

- 1 State of Andhra Pradesh, Represented by Principal Secretary, Municipal Administration And Urban Development (M) Department, Secretariat Building, Hyderabad.
- 2 Andhra Pradesh Capital Region Development Authority, rep by The Commissioner, Vijayawada.
- 3 Competent Authority cum / Revenue Divisional Officer/-Sub-Collector, Unguturu Mandal, Krishna District.

**...Respondents**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not considering and releasing the lay out to the property of the petitioners situated in an extent of acres 0.95 cents in RS No.22/1, acres 2.57 cents in RS No. 22/2, acres 3.94 cents in RS No. 25 and acres 0.11 cents in RS No.33 (Total acres 7.83 cents) of Pottipadu Village, Unguturu Mandal, Krishna District by considering the application as acknowledged by the 2<sup>nd</sup> respondent on 28.04.2015 as deemed to have been approved and granted under Sec. 110(4) of the Andhra Pradesh Capital Region Development Authority Act 2014 as illegal, arbitrary, capricious and against the provisions of the Andhra Pradesh Capital Region Development Authority Act 2014, and consequentially, direct the 2<sup>nd</sup> respondent to release the draft lay out to the property of the petitioners in an extent of acres 0.95 cents in RS No.22/1, acres 2.57 cents in RS No.22/2, acres 3.94 cents in RS No.25 and acres 0.11 cents in RS No.33 (Total acres 7.83 cents) of Pottipadu Village, Unguturu Mandal, Krishna;

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of SRI RAVI SHANKAR JANDHYALA Advocate for the Petitioners and of learned Government

Pleader for Municipal Administration And Urban Development (A.P.), for Respondent No.1, Sri D.Ramesh, learned Standing Counsel for Respondent No.2, and of learned Government Pleader for Revenue (A.P.), for Respondent No.3, the Court made the following;

**ORDER:**

Learned counsel for petitioner contends that application for sanction of lay out to an extent of Ac.0.95 cents in R S No. 22/1, Ac.2.57 cents in RS No. 22/2, Ac.3.94 cents in RS No. 25 and Ac.0.11 cents in RS No. 33 (total Ac.7.83 cents) , Pottipadu village, Unguturu mandal, Krishna district, was not acted upon. It is further contended that unless a decision is communicated within 60 days, it is deemed that the building permission is granted and only requirement is that the person undertaking making of lay out has to communicate intention of commencement of work.

Earlier matter was adjourned for instructions of learned standing counsel for second respondent authority. Learned standing counsel produced letter dated 2.7.2015 addressed to petitioner informing that the layout application is not considered since it is falling at a distance of more than 500 meters from the habitation.

Learned counsel for petitioner submits that no such proceedings are communicated to the petitioner. He further submits that question of taking such a decision does not arise after the expiry of statutory time limit prescribed is over.

Concerning the grant of lay out permission in accordance with the provision contained in Section 110 of the A.P. Capital Region Development Authority Act,2014, on detailed consideration of the rival submissions, interim orders are passed on 10.7.2015 in WPMP No. 23719 of 2015 in WP 18341 of 2015.

Having regard to the same, subject to petitioners complying with the other conditions imposed in sub section 4 of Section 110 of the Act, it is permissible for the petitioners to proceed with formation of layout and take further steps as required. Any such development of lay out is subject to the result of the writ petition. Notice.

List along with WP No 18341 of 2015.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, Municipal Administration And Urban Development (M) Department, State of Andhra Pradesh, Secretariat Building, Hyderabad.
- 2 The The Commissioner, Andhra Pradesh Capital Region Development Authority, Vijayawada.
- 3 The Competent Authority cum / Revenue Divisional Officer/-Sub-Collector, Unguturu Mandal, Krishna District. (1 to 3 BY RPAD)
- 4 One CC to SRI RAVI SHANKAR JANDHYALA, Advocate (OPUC)
- 5 Two CCs to the GP for Municipal Administration And Urban Development (A.P.), High Court at Hyderabad (OUT)
- 6 One spare copy.

SRL

**HIGH COURT**

**PNRJ**

**Dated: 06.08.2015**

**NOTE: LIST ALONG WITH W.P.NO.18341 OF 2015.**

**ORDER**

**WP.NO:21951 of 2015**

**DIRECTION**

**DRAFTED by: SRL**  
**Drafted on: 13.08.2015**

**HIGH COURT**

**PNRJ**

**Dated: 06.08.2015**

**NOTE: LIST ALONG WITH W.P.NO.18341 OF 2015.**

**ORDER**

**WP.NO:21951 of 2015**

**DIRECTION**