

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 7021 OF 2019

ORDER:

Petitioner challenges the intimation dated 24.03.2019 issued by the 3rd respondent - Commissioner, Cheriyal Municipality cancelling the permission granted in his favour to undertake the construction in plot No. 141, Survey Nos. 203/E, 203/F, 203/H & 203/G situated at Cheriyal Village and Mandal, Siddipet District, on 18.03.2018, on the ground that the said house plot is located in 'cheruvusikham'.

It is the case of the petitioner that in 2014 itself, the fact as to whether the subject plot falls within Full Tank Level (FTL) or not is considered by the Engineers of the Irrigation Department and based on the material furnished by them, the Revenue Divisional Officer *vide* proceedings, dated 06.11.2015, converted the land use from agriculture to non-agriculture under the provisions of the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006. It is the assertion of the petitioner that the total extent of land in Survey No. 203 is Acs.19.23 and the said land was sold by the land owners, converting it into a lay out and the petitioner purchased 533 square yards therefrom through a registered sale deed and subsequently, after obtaining permission, he was proceeding with the construction.

Learned Government Pleader for Irrigation submits that it is on the intimation received from the Deputy Executive Engineer, Irrigation, Cheriyal, *vide* letter dated 27.02.2019 specifically stating that the petitioner had raised unauthorised construction in

the FTL boundary of Kudicheruvu of Chereyal village, the latter submitted explanation on 28.03.2019 and that thereafter no correspondence took place between the respective authorities and the petitioner.

Learned counsel for the petitioner submits that fresh survey be conducted duly putting his client on notice and in the event, the land falls within the FTL, he undertakes not to make any construction.

Considered respective submissions. The petitioner, admittedly, came to purchase the property long back and he was also issued building permission and land use was also converted from agriculture to non-agriculture. While the Deputy Executive Engineer had issued notice and the petitioner submitted his explanation, there is no enquiry that was conducted by the authorities before cancelling the building permission granted in favour of the petitioner.

In those circumstances, the Writ Petition is disposed of directing the respondent authorities to conduct fresh inquiry and ascertain the fact whether the petitioner's land over an extent of 533 square yards falls within the FTL or not. If fresh survey needs to be conducted, the same shall be done. Till then, *status quo* existing as on date shall be maintained and no coercive steps be taken against the petitioner, who shall also not proceed with further construction. The entire exercise be completed within eight weeks from the date of receipt of a copy of this order.

The miscellaneous Applications, if any pending in this Writ
Petition shall stand closed.

CHALLA KODANDA RAM, J

08th April 2019

ksld

