

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.15167 of 2019

ORDER:

Heard the learned counsel for petitioners and Sri S.Laxminarayana Reddy, learned Standing Counsel appearing for respondent – Corporation and, at their request, the Writ Petition is being disposed of at the admission stage.

In this Writ Petition, petitioners challenge notice dated 11.09.2019 issued by respondent No.4, allegedly issued on behalf of respondent No.3, under Section 452(1) of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act').

Facts, in brief, are that petitioners are absolute owners and possessors of land admeasuring Ac.2.25 cents in Sy.No.271, Anakapalli Mandal, North-II RS ward village; with an intention to start educational institution, they approached the Revenue Divisional Officer, Anakapally by making application through mee-seva on 13.04.2017 for conversion of agricultural lands into non-agricultural lands as per the provisions of A.P.Land (Conversion for Non-Agricultural Purpose) Act, 2006; by proceedings dated 05.10.2017, the Revenue Divisional Officer, Anakapalli accorded permission for conversion of agricultural lands into non-agricultural lands; thereafter, they made application to respondent No.2 – Greater Visakhapatnam Municipal Corporation seeking construction permission which was issued on 20.01.2018; respondent No.5 through proceedings dated 23.07.2018,

informed that the subject property has been taken possession by Prohibition and Excise Department, and presently running a IMFL depot; therefore, they made application dated 30.07.2019 to respondent No.3 for conversion of permission requesting from “Educational Zone” to “Commercial Zone”; pending the said application petitioners are using the subject land by constructing a temporary godown; while so, the impugned notice dated 11.09.2019 was issued under Section 452(1) of the Act without disposing the application dated 30.07.2019 and the respondents are threatening to demolish the construction in the subject land. Hence the writ petition.

Learned counsel for the petitioners submits that respondent No.4 does not have any jurisdiction to issue the impugned notice, and pursuant to the application made by the petitioner before respondent No.3 for conversion of permission from educational zone to commercial zone, the impugned proceedings came to be issued.

Sri S.Laxminarayana Reddy, learned Standing Counsel appearing for respondent – Corporation, would submit that the application made by the petitioner seeking conversion of permission from educational zone to commercial zone was returned on 27.09.2019 but, however, without challenging the said proceedings, the present writ petition is filed.

As seen from the impugned notice, issued under Section 452(1) of the Act, one of the deviations mentioned is that usage of building for commercial purpose instead of school building apart from two other grounds, and that the

application filed by the petitioner was returned on 27.09.2019. However, notice has been issued to the petitioners, under Section 452(1) of the Act, on 11.09.2019 asking for explanation and as explanation has been submitted by the petitioner on 20.09.2019, respondent No.3 is directed to pass appropriate orders thereon, and take action, in accordance with law.

The Writ Petition is, accordingly, disposed of. No order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date:30.09.2019
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