

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT PETITION NO: 33994 OF 2011

Between:

M/s. Sri Aditya Homes (P) Ltd., rep. by its Managing Director, V.Kota Reddy
S/o. V.Siva Kota Reddy, aged about 49 Yrs, Occ Business R/o. Jubilee Hills,
Hyderabad.

...PETITIONER

AND

1. The Hyderabad Metropolitan Development Authority, rep. by its Metropolitan Commissioner, 3rd Floor, GHMC Building, West Maredpally, Secunderabad 500 026
2. The Government of Andhra Pradesh, rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, 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 1st respondent in imposing Condition No.3 in Letter No.676/MPG/Plg/HMDA/2007, dated 12.09.2011, directing the petitioner to submit NOC (No Objection Certificate) from the RDO / Collector concerned for using the land for Non-Agriculture purpose under the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act 2006, Read with the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Rules, 2006 notified under G.O.Ms.No.1537 M.A. dated 19.10.2006 for issue of Final Layout Group Housing with (Gated Community) in Ac.6-31 Gts situated in Sy.Nos.42(P), 43(P), 56(P), 58(P), 59(P) and 60(P) of Poppalguda Village, Rajendranagar Mandal, Ranga Reddy District as illegal, contrary to law, arbitrary and without any jurisdiction

I.A. NO: 1 OF 2011(WPMP. NO: 42286 OF 2011)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 1st respondent to release the Final Layout Group Housing with (Gated Community) in Ac.6-31 Gts situated in Sy.Nos.42(P), 43(P), 56(P), 58(P), 59(P) and 60(P) of Poppalguda Village, Rajendranagar Mandal, Ranga Reddy District without insisting for NOC (No Objection Certificate) from the RDO / Collector concerned for using the land for Non-Agriculture purpose under the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act 2006, R/w Rules, 2006 notified under G.O.Ms.No.1537 M.A. dated 19.10.2006 by suspending the Condition No.3 in its Letter No.676/MPG/Plg/HMDA/2007, dated 12.09.2011, pending disposal of the writ petition

**Counsel for the Petitioner: M/s. NAUSHEEN NAJM US SAHAR FOR
SRI M.V.DURGA PRASAD**

**Counsel for the Respondent No.1: M/s. T.V.SUDHA FOR SRI V.NARASIMHA
GOUD, SC FOR HMDA**

**Counsel for the Respondent No.2: GP FOR MUNICIPAL ADMN AND URBAN
DEV**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

Writ Petition No.33994 of 2011

ORDER: (Per the Hon'ble the Chief Justice Alok Aradhe)

Ms. Nausheen Najm Us Sahar, learned counsel represents Mr. M.V.Durga Prasad, learned counsel for the petitioner.

Ms. T.V.Sudha, learned counsel representing Mr. V.Narasimha Goud, learned Standing Counsel for Hyderabad Metropolitan Development Authority (HMDA) appears for respondent No.1.

2. In this writ petition, the petitioner has *inter alia* prayed for the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this 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 1st respondent in imposing Condition

A

No.3 in Letter No.676/MP2/Plg/HMDA/2007, dt.12.09.2011 directing the petitioner to submit NOC (No Objection Certificate) from the RDO/Collector concerned for using the land for Non-Agriculture purpose under the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006, read with the Andhra Pradesh Agricultural Lands (Conversion for Non-Agricultural Purposes) Rules, 2006, notified under G.O.Ms.No.1537 MA dt.19.10.2006, for issue of Final Layout Group Housing with (Gated Community) in Acs.6.31 guntas situated in Survey Nos.42(P), 43(P), 56(P), 58(P), 59(P) and 60(P) of Poppalguda Village, Rajendra Nagar Mandal, Ranga Reddy District, as illegal, contrary to law, arbitrary and without any jurisdiction and pass such other order or orders as this Court may deem fit and proper in the circumstances of the case.”

3. Learned counsel for the petitioner submits that the issue involved in this writ petition is squarely covered by

judgment dated 28.08.2015, rendered by a Division Bench of this Court in W.A.No.702 of 2010 and batch and W.P.No.8666 of 2008 and batch (**K.Satyananda Patnaik v. HUDA, HMDA, Hyderabad**¹).

4. In view of aforesaid submission and for the reasons assigned in the aforesaid judgment by a Division Bench of this Court, the Writ Petition is disposed of with the following directions:

(a) It shall be competent for the Urban Development Authorities or the Local Authorities, as the case may be, to insist on submission of clearance/permission under the Telangana Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 (Act No. 3 of 2006) as a condition precedent for releasing of layouts, and

¹ 2016 (3) ALD 600 (DB)

(b) The land has been put to non-agricultural use before Act No.3 of 2006 came into force, such clearance/permission shall not be insisted.

(c) Conversion of land into non-agricultural use under the provisions of Act No.3 of 2006 is necessary even if the land is covered by Master Plan and sanction of layout by the Development Authority under the provisions of Act 1 of 1975.

As a sequel, miscellaneous petitions, pending if any, stand closed. No costs.

SD/- MOHD. ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, 3rd Floor, GHMC Building, West Maredpally, Secunderabad 500 026
2. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad, Government of Telangana.
3. One CC to SRI M.V.DURGA PRASAD, Advocate [OPUC]
4. One CC to SRI V.NARASIMHA GOUD, SC FOR HMDA [OPUC]
5. Two CCs to GP FOR MUNICIPAL ADMN AND URBAN DEV, High Court for the State of Telangana, at Hyderabad. [OUT]
6. Two CD Copies

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HIGH COURT

DATED:26/09/2024

ORDER

WP.No.33994 of 2011



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

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