

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD .

THURSDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND EIGHT

PRESENT:

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
W.P.M.P NO: 2946 of 2008

IN

W.P.NO: 2286 of 2008

Between:

- 1 M/s.Mehta & Modi Homes, rep by its Managing Partner , Soham Modi, S/o.Satish Modi, having its office at 5-4-187/3 & 4, III Floor, Soham Mansion, MG Road, Secunderabad.
- 2 Ms.Hetal K.Parikh D/o.Mr.Krishna kanth S. Parikh R/o. 5-4-187/3 & 4, III Floor, Soham Mansion, MG Road, Secunderabad.
- 3 Pravesh B.Parikh, S/o.Bharat S.Parikh R/o. 5-4-187/3 & 4, III Floor, Soham Mansion, MG Road, Secunderabad.
- 4 Piyush J Paarikh , S/o.Bharat S Parikh, R/o. 5-4-187/3 & 4, III Floor, Soham Mansion, MG Road, Secunderabad.

..... PETITIONERS

(Petitioner in WP.No : 2286 of 2008
on the file of High Court)

AND

- 1 The Hyderabad urban Development Authority, Rep by its Vice Chairman, Begumpet, Hyderabad.
- 2 The State of A.P. rep by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
- 3 The State of A.P. rep by its Principal Secretary, Municipal Administration, Secretariat, Hyderabad.

.....RESPONDENTS

(Respondents in -do-)

Counsel for the Petitioner: **SRI VEDULA VENKATARAMANA**
Counsel for the Respondent No.1: **SRI M.SURENDER RAO**
Counsel for the Respondent No.2: **G.O. FOR REVENUE**
Counsel for the Respondent No.3: **G.P. FOR M & A**

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed therein, the High Court may be pleased to direct the 1st respondent to release the final layout by suspending the condition No.1 imposed by the 1st respondent in their letter No.2698/MP2/Plg/2005 dated 27.10.2007 directing the petitioners to obtain "No Objection Certificate" from the District Collector, as per AP Agricultural Lands Act Rules, 2006 notified vide G.O.Ms.No.439 Revenue dated 13.6.2007 pending WP.No.2286 of 2008 on the file of the High Court.

The Court while directing issue of notice to the Respondents herein to show cause as to why this application should not be compiled with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

This is an application to direct respondent No.1 to release the final layout by suspending condition No.1 imposed by respondent No.1 in letter dated 27.10.2007, whereby the petitioners are asked to obtain "No Objection Certificate" from the District Collector under the provisions of the A.P. Agricultural Land (Conversion for Non Agricultural purposes) Act, 2006.

Heard Sri V. Venkataramana, learned counsel for the petitioners and Sri Srinivas, representation Sri M. Surender Rao, learned Standing Counsel for respondent No.1.

At the hearing, it is agreed by the learned counsel for both the parties that in identical cases this Court granted interim direction subject to certain conditions.

In view of the same, there shall be interim direction to respondent No.1 to release the draft layout without reference to condition No.1 in proceedings dated 27.10.2007 of respondent No.1 subject to the following conditions.

1. The registered mortgage executed by the petitioners in favour of respondent No.1 shall continue to be in force till the disposal of the writ petition, and
2. In the event the petitioners fail in this writ petition, they shall pay all the required charges as a consequence of compliance with condition No.1. supra.

The petitioners shall file an undertaking to the effect before respondent No.1 within a period of three weeks from today.

SD/- PRABHAKALGIKAR
ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Vice Chairman, Hyderabad urban Development Authority, Begumpet, Hyderabad.
2. The Principal Secretary, State of A.P. Revenue Department, Secretariat, Hyderabad.
3. The Principal Secretary, State of A.P. Municipal Administration, Secretariat, Hyderabad. (Addresses 1 to 3 by RPAD)
4. One CC to Sri Vedula Venkata Ramana, Advocate (OPUC)
5. One CC to Sri M. Surender Rao, Advocate (OPUC)
6. Two CCs to the G.P. for Revenue, High Court of A.P., Hyderabad (OUT)
7. Two CCs to the G.P. for Municipal Administration, High Court of A.P., Hyderabad (OUT)
8. Two CCs to the G.P. for Revenue, High Court of A.P., Hyderabad (OUT)
9. One spare copy.

*RVR (CS)

HIGH COURT

CVNR.J

DT 28/02/2008

ORDER
WPMP NO.2946/2008
IN
WP No.2286/2008

INTERIM DIRECTION

Dr. J. K. Mishra
RAMESWAR

