

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, CHENNAI**

**ORIGINAL APPLICATION NO. 182 OF 2020**

Between:

Dr.Nagam Janardhan Reddy  
Telangana & others

...Applicants

Vs

State of Telangana & others

...Respondents

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Dated at Chennai on this the 31<sup>st</sup> day of March 2021

  
**M/S. K.S.VISWANATHAN & V.SUTHAKAR**  
**ADVOCATES**  
**COUNSEL FOR RESPONDENTS 8 TO 10**





**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, CHENNAI**

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Between:

Dr.Nagam Janardhan Reddy  
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Vs

State of Telangana & others

...Respondents

**REPLY OF THE RESPONDENTS 8 TO 10 ALONG WITH INTERIM  
OBJECTIONS TO JOINT COMMITTEE REPORT**

The Respondents above named respectfully submit as follows:

1. The above application has been filed complaining of constructions/encroachments within the FTL Level and in the Buffer Zone of the Kesasamudram Tank and Pollution of Water Bodies. The Respondents 8 to 10 wherein originally were not parties to the case but later impleaded by the order dated 06/10/2020 passed in I.A.No.85/2020 in O.A.no.182/2020. The Respondents are confining themselves in this reply only in so far as the allegations made against them in the application are concerned.

2. The Application proceeds on the basis as though the Respondents 8 to 10 have encroached upon the lands in Survey Nos. 3 & 39 of Nagarkurnool Village. Assuming that the

said land follows under the FTL Level of Kesasamudram Lake.

The Applicant has reduced pictures and some constructions in



R.Dinya Sindhu

order to butress his claim that encroachments have been made in the said area. The Applicant has made general acquisition against many persons who interview some specifically reference made to in the application in respect of Respondents 8 to 10 they have been impleaded as parties and therefore are filing the present reply.

3. At the outset, it is submitted that the application is motivated and intended to target certain individuals who have obtained proper permission from the revenue and other statutory authorities for development of their own lands. In so far as the lands concerning Respondents 8 to 10 are concerned, it is submitted as follows:

**The lands in Sy. Nos. 3 & 39**

Sy. No. 3 is located at Town, Mandal and District Nagarkurnool. Sy. No. 39 is located at Village Yendeebetla of Nagarkurnool District. The land involved in Sy. No. 3 is admeasuring Ac. 12.02 Gts. and the land in Sy. No. 39 is Ac. 2-00 Gts. Sy. No. 3 is purchased by Mr. Shyam Sundar along with along under (3) registered Sale Deeds dated 30.01.2016, 28.06.2019 and 26.07.2019.

4. In respect of Sy. No. 3, an application for conversion from agricultural to non-agricultural was made by the Vendor of Mr.



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Shyam Sundar. After survey, the Tahsildar observed that the land in Sy. No. 3 is in possession of Shyam Sundar, no Government land is encroached, not affected by the Land Reforms Act, not covered by acquisition proceedings, not covered by religious structures etc., and subject to clarification from Irrigation Department, the permission for conversion may be accorded. This is vide Report dated 09.02.2016, a Panchanama was also conducted. That apart, as per the Land Use Plan prepared by Town Planning Authority, Sy. No. 3 is earmarked for residential purpose. As per NALA Plan & Master Plan also it is not covered by any Water Body and covered by residential zone. When the application for conversion was not being processed, Mr. Shyam Sundar filed WP No. 14286 of 2020 before the Hon'ble Telangana High court. At the hearing, the Government produced a copy of the order dated 16.09.2020 informing the petitioner that the application for conversion has been rejected. Copy of the order was furnished in the open Court and Shyam Sundar was given the liberty to challenge it.

5. Pursuant to the liberty granted in WP 14926/2020, Mr. Shyam Sundar filed W.P. No. 18872/2020 challenging the said rejection order dated 16.09.2020 and the same is pending.



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6. In the interregnum, the Municipal Commissioner issued a Proceeding on 26.11.2020, informing that Sy. No. 3 & 39 fall within FTL and the encroachment allegedly existing should be removed within (7) days. This was challenged by Shyam Sundar & others in W.P. No. 21887/2020. At the time of filing this Writ petition the respondents 8 to 10 came to know that in O.A. No. 182/2020, the Hon'ble National Green Tribunal, Southern Zone, Chennai, has appointed a Joint Committee to report whether there are any encroachments in the FTL of various Tanks, including in Sy. Nos. 3 & 39. The planks on which the proceedings dated 26.11.2020 are substantially challenged before the Hon'ble Telangana High Court are as under:

- a. That the proceedings dated 16-09-2020, which is challenged in W.P.No.18872/2020, nowhere it is suggested that any construction is existing in 'A' schedule land.
- b. The impugned notice demonstrates total non application of mind and is a cyclostyled form. Sy.No.3 is not at all available as it has been bifurcated and sub division nos. allotted even before the writ petitioner purchased. However without verifying the record, it is alleged that the petitioner encroached on Sy.No.3. What is the extent of encroachment, what is the nature of encroachment and



R.Dhruva Sindhuva

from towards which side there is encroachment is not indicated. It is clear that neither the records were verified nor the land was inspected.

c. The tanks FTL and buffer zone have to be manned, maintained and supervised by Revenue Department in coordination with the Irrigation Department. Both the Departments are parties to W.P.No.18872/2020 which was filed on 11-10-2020. The impugned proceedings are issued on 26-11-2020. There is no reference in respect of the pending W.P.No.18872/2020 in the impugned proceedings dated 26.11.2020.

d. That the report of the respondent No.6 to respondent No.5 (in the writ petition) of April 2016 was brought to the notice of the respondents in W.P.No.14826/2020 and W.P.No.18872/2020. The prominent aspects of the report are

- I. The subject land is in physical possession and enjoyment of the petitioners.
- II. No Government land is encroached by the petitioners.
- III. That the land in question is not hit by the Land Reforms Act.
- IV. Not covered by any acquisition proceedings.
- V. No Religious structures/Monuments/Grave Yards.
- VI. No Court cases are pending etc.



R. Dinga Sindhura

- VII. No High Power Tension lines are crossing the land and free from encroachment, concluded the findings by forwarding the proposal for conversion, by way of precaution, requested for summoning the report from the Irrigation Department.
- e. That 'A' schedule land (specified in the writ petition) in the land use plan prepared in 2017 by the Town Planning Department is shown as to be ear marked for residential purpose. This is not challenged.
- f. A plan was prepared for the town by the General Town Planning Department under proposed land use map in which 'A' and 'B' schedule lands (as specified in the writ petition) are shown to be ear marked for residential purpose. This is not disputed.
- g. That in 'B' schedule land, (specified in the writ petition) permission is already accorded by the Gram Panchayat for construction for which a required fee is already paid. The petitioner No's 2 & 3 in the writ petition, as per the permission, have constructed a residential house with all modern facilities by spending more than 3 Crores, which is the hard earned and life savings of petitioner No's 2 & 3.



R. Dinja Sindhuru

- h. The impugned notice is drastic in nature having civil consequences of unparalleled magnitude in as much as no show cause notice preceding the impugned order is issued.
- i. It is respectfully submitted that the impugned order exhibits total lack of indiscipline and is a classic example of insubordination, when the Hon'ble High Court is ceased of the matter in W.P.No.18872/2020 and the same question is also being examined by the National Green Tribunal at Chennai and when a committee is already appointed and even before the report by the committee is submitted by the either way, the impugned action is premature, arbitrary and no occasion existed for issuing the impugned proceedings in such a tearing hurry.
- j. That the impugned notice is purportedly issued u/s 174(4) and 178(2) of Telangana Municipalities Act. Sec 174 deals with approval of building permission and Sec 178 deals with enforcement. The petitioners in the writ have already obtained permission from the Gram Panchayat on 25-07-2018. Sec 174(4) can be pressed into service if any construction is made in deviation of sanctioned plan. There is no such allegation in the impugned order. Moreover the act is not retrospective.



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- k. That on 31-12-2019 respondent No.4 issued a notice calling upon the petitioner No's 2 & 3 as to why the permission for conversion granted on 10-10-2019 in relation to 'B' schedule land should not be cancelled. The petitioners filed W.P.No.2596/2020, which was disposed of by the Hon'ble High Court directing the respondent No.4 to pass appropriate orders on the representation of the petitioners. There also the allegation is that the land is in the buffer zone. Till this date no orders are passed by respondent No.4 on the explanation of the writ petitioner No's 2 & 3 dated 31-01-2020.
- l. On 06-11-2020 the respondent No.2 issued a notice to the petitioner No.1 alleging that the construction being effected in 'B' schedule land on the basis of the permission then granted by the then Gram Panchayat is being deviated. Having observed that the construction is in deviation of the sanction plan, having not taken exception to the title and nature of Sy.No.39, now respondent No.2 in the writ petition cannot take a U-turn and say 'B' schedule land is encroachment in FTL/buffer zone of Kesasamudram Tank.



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7. In the said writ petition, viz., W.P.No.21887/2020, the Hon'ble High Court by order dated 03.12.2020 has directed the notice dated 26.11.2020 to be treated as Show Cause Notice and permitted the petitioners in the writ petition to file objections within 2 weeks. Accordingly, the respondents 8 to 10 herein have submitted their detailed explanation/objections to the authorities concerned on 22/02/2021 and a decision is yet to be taken on the same.

8. The question that has to be decided by the authorities in pursuance of the orders of the Hon'ble High Court in W.P. No. 21887/2020 is mainly as to whether Sy. No. 3 & 39, details whereof are mentioned herein before fall within the FTL or not. Notices are directed to be issued to all. Further, notices will also have to be issued to Town Planning Department and the authorities who prepared the Master Plan for the Town in which Sy. No. 3 & 39 are earmarked for residential zone. In fact, for Sy. No. 39 conversion permission was already accorded.

9. It is respectfully submitted that when the exercise of finding out whether the extents in Sy. No. 3 & 39 indicated above fall within the FTL or not is directed to be decided by the Hon'ble High Court in W.P. No. 21887/2020, any report by the Joint Committee to this Hon'ble Tribunal on the issue pending



R. Dinya Sindhuva

before the Hon'ble High Court may result in conflicting decisions and would be in the interest of justice that this Hon'ble Tribunal awaits further orders to be passed by the Revenue/Irrigation authorities as per the orders of the Hon'ble High court before deciding upon the issue or acting upon the Joint Committee report.

10. Therefore, it is submitted that the question whether the S.Nos. 3 & 39 follow within the FTL or not wherein the order has been passed already has been directed to be decided by the authorities as per the orders dated 03.12.2020 passed by the Hon'ble High Court of Telangana in W.P.No.21887/2020. The said directions has yet to be complied with by the authorities. In fact the said exercise can be complied only by obtaining appropriate clarifications or Town Planning Department and the authorities who prepared the master plan for the town in which S.Nos. 3 & 39 ear marked for residential zone.

11. However, the authorities instead of undertaking that exercise have caused the Joint Committee report to be filed in the above application. In fact, the very same authorities included in the Joint Committee are party-Respondents before the Hon'ble High Court. Instead of undertaking the exercise of finding out whether the lands of Respondents 8 to 10 in S.Nos. 3

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& 39 falls within the FTL, the very same authorities by being part of the Joint Committee have filed a report based on certain inspections apparently conducted in the year 2019 behind the back of Respondents 8 to 10. The said report does not take into account any of the materials available in the Town Planning Department or the Irrigation Department in order to ascertain whether the lands of Respondents 8 to 10 fall within FTL or not.

However, the Joint Committee report in Page 16 in respect of Kesarisamudram Tank clearly states that the Hon'ble High Court of Telangana, Hyderabad have passed an order in W.P.No.21887/2020 that until final orders are passed the official Respondents shall not take any coercive steps against the Respondents 8 to 10 herein who are the Petitioners in the said Writ Petition. Under the circumstances, any attempt on the part of the authorities to pre-judge the issue without undertaking a proper exercise as per the directions of the Hon'ble High Court would be premature and would amount to misleading this Hon'ble Tribunal on the area actually covered by the FTL. Moreover the said misleading information provided to the Joint Committee may prejudice the interest of the Petitioners in the Writ Petition, namely Respondents 8 to 10 herein from availing the benefits of the directions relating to a detailed enquiry as



A. Dinu Sindhura

granted by the Hon'ble High Court by its order dated 03.12.2020.

12. It is further submitted that the Nagarkurnool Town land use plan clearly shows that the lands of the Respondents 8 to 10 would fall within the residential area. Likewise the Nagarkurnool Master Plan also would show that the land of the Respondents 8 to 10 does not fall in the FTL area.

13. It is submitted that in so far as S.No.39 is concerned permission has already been accorded for conversion of agricultural lands into residential use by order dated 10.10.2019 under the NALA Act. In this land, a residential house has been constructed after obtaining permission from the concerned statutory authorities by making huge investments. In S.No. 3 about 100 houses are already existing for the past more than 50 years. The authorities have apparently given misleading information to the Joint Committee as though a survey has been already conducted in respect of S.Nos. 3 & 39. However, only now by notice dated 16.02.2021 the authorities have issued a notice to the Respondents 8 to 10 seeking to fix FTL/Buffer Zone. It is important to note that the Irrigation Officer has no power to review the orders for conversion passed under



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the NALA Act permitting conversion in respect of use from agricultural to residential.

14. A perusal of report dated 18-11-2020 would go to show that the report is substantially based on the basis of joint inspection on 31-12-2019 vide Page 9 of the Report, it is claimed that the FTL boundary and buffer zone was fixed on that date i.e. on 31.12.2019. For coming to this conclusion, heavy reliance is placed on Khasara Pahani and Sessala (see Page 15 of the Report). Copy of the Khasara with translation is enclosed herewith. There is no whisper of any FTL/Buffer zone in it. What extent of land is covered by it is not indicated. Report shows except Khasara/Sessala, no other document is referred or relied upon. Further, if the report filed is conclusive, what prompted the authorities to propose another survey on 26.02.2021 for which, notices are issued to the Respondents on 16.02.2021. Hence, the report which is filed now based on the alleged inspection dated 31.12.2019 is liable to be rejected outright for the aforesaid reasons.

15. The whole dispute before this Hon'ble Tribunal is set in motion by Dr. Nagam Janardhan Reddy and his associates, who have filed objections to the report of joint inspection Committee on 25.02.2021. At Page 12 he has distorted the



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orders of the Hon'ble High Court and also subjected the Respondents to media trial as he is a politician and self crowned champion of masses. If really he is a public spirited person, no reason is forthcoming as to why he is violating, focusing and targeting these Respondents, which is clear from the language employed in Para 13, 14 and 6 of the objections.

16. As regards the proceedings relating to FIR 120/2016 reputedly referred to by the applicant, it is submitted that in view of what has been stated above, the criminal case is utterly motivated and has no substance. The same is being duly defended by the respondents 8 to 10 and the matter is at the stage of trial before the criminal court. Therefore any reference made to a case pending for adjudication before the Court by the applicant is utterly misleading and is intended to cause prejudice.

17. It is submitted that since the Committee has been directed to file further report by order of this Hon'ble Tribunal dated 18/03/2021 by 28/04/2021, the respondents herein seek leave of this Hon'ble Tribunal to file a final comprehensive objections to the entire committee report after the further report is filed as directed. However, in so far as the present



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Committee report received by the Hon'ble Tribunal on 07/01/2021, the following interim objections are submitted:

**INTERIM OBJECTIONS TO JOINT COMMITTEE REPORT**

18. The Joint Committee report relies upon an inspection apparently conducted prior to the directions issued by the Hon'ble Tribunal appointing the committee.

19. The report in Page 16 in respect of Kesarisamudram Tank clearly states that the Hon'ble High Court of Telangana, Hyderabad have passed an order in W.P.No.21887/2020 that until final orders are passed the official Respondents shall not take any coercive steps against the Respondents 8 to 10 herein, who are the Petitioners in the said Writ Petition. Under the circumstances, any attempt on the part of the authorities to pre-judge the issue without undertaking a proper exercise as per the directions of the Hon'ble High Court would be premature and would amount to misleading this Hon'ble Tribunal on the area actually covered by the FTL.

20. In fact the said exercise can be complied only by obtaining appropriate clarifications or Town Planning Department and the authorities who prepared the master plan for the town in which S.Nos. 3 & 39 ear marked for residential zone.

R. Divya Shukra

21. It is submitted that the question whether the S.Nos. 3 & 39 fall within the FTL or not wherein the order has been passed already has been directed to be decided by the authorities as per the orders dated 03.12.2020 passed by the Hon'ble High Court of Telangana in W.P.No.21887/2020.

22. Nagarkurnool Town land use plan clearly shows that the lands of the Respondents 8 to 10 would fall within the residential area.

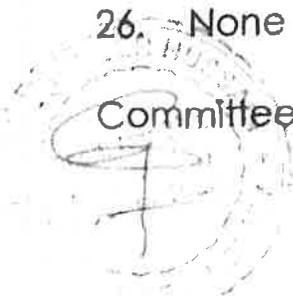
23. The Nagarkurnool Master Plan also would show that the land of the Respondents 8 to 10 does not fall in the FTL area.

24. In S.No. 3 about 100 houses are already existing for the past more than 50 years.

25. In so far as S.No.39 is concerned permission has already been accorded for conversion of agricultural lands into residential use by order dated 10.10.2019 under the NALA Act. In this land, a residential house has been constructed after obtaining permission from the concerned statutory authorities by making huge investments.

26. None of the above aspects have been considered by the

Committee.



R. Divya Sindhura

27. It is also submitted that the National Commission for Backward Classes functioning under the Department of Social Justice and Empowerment, Government of India, has also issued several proceedings and summons to the District Collector, The Engineer in Chief (Irrigation), Municipal Commissioner, Nagarkurnool in order to monitor and safeguard rights of socially and educationally weaker sections under Article 338 B of the Indian Constitution. The matter is still pending before the National Commission for Backward Classes.

28. At any event, in view of the exercise to be undertaken independently by the official respondents in pursuance of the orders passed in W.P.No.21887/2022 dated 03/12/2020 any findings given in the Joint Committee report regarding the lands of the respondents 8 to 10 received by this Hon'ble Tribunal on 07/01/2020 would be premature and would be in violation of the orders of the Hon'ble High court.

It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss O.A.No.182 of 2020 in so far as the Respondents 8 to 10 are concerned and thus render justice.



*T. Hemulatha*

Counsel for Respondents 8-10

R Dinju Sindhura  
8th Respondent

**ATTESTED**

**SRAIK-JAKEER HUSSAIN**  
ADVOCATE & NOTARY  
Appointed by Government of Andhra Pradesh,  
Hyderabad

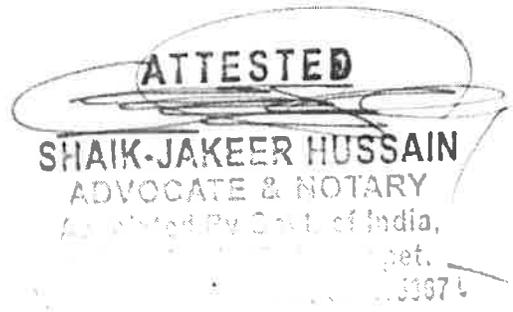
**VERIFICATION**

I, R.Divya Sindhura, W/o. Sharath Mirdiddi aged about 29 years residing at Flat No.FG3, Aparna Hillpark Silveroaks, Chandanagar, Hyderabad, do hereby verify and declare that what is stated in Paras No.1-28 are true to my personal knowledge belief.

R.Divya Sindhura  
8th respondent

Date : 30.03.2021

Place: Hyderabad



# Integrated Land Records Management System

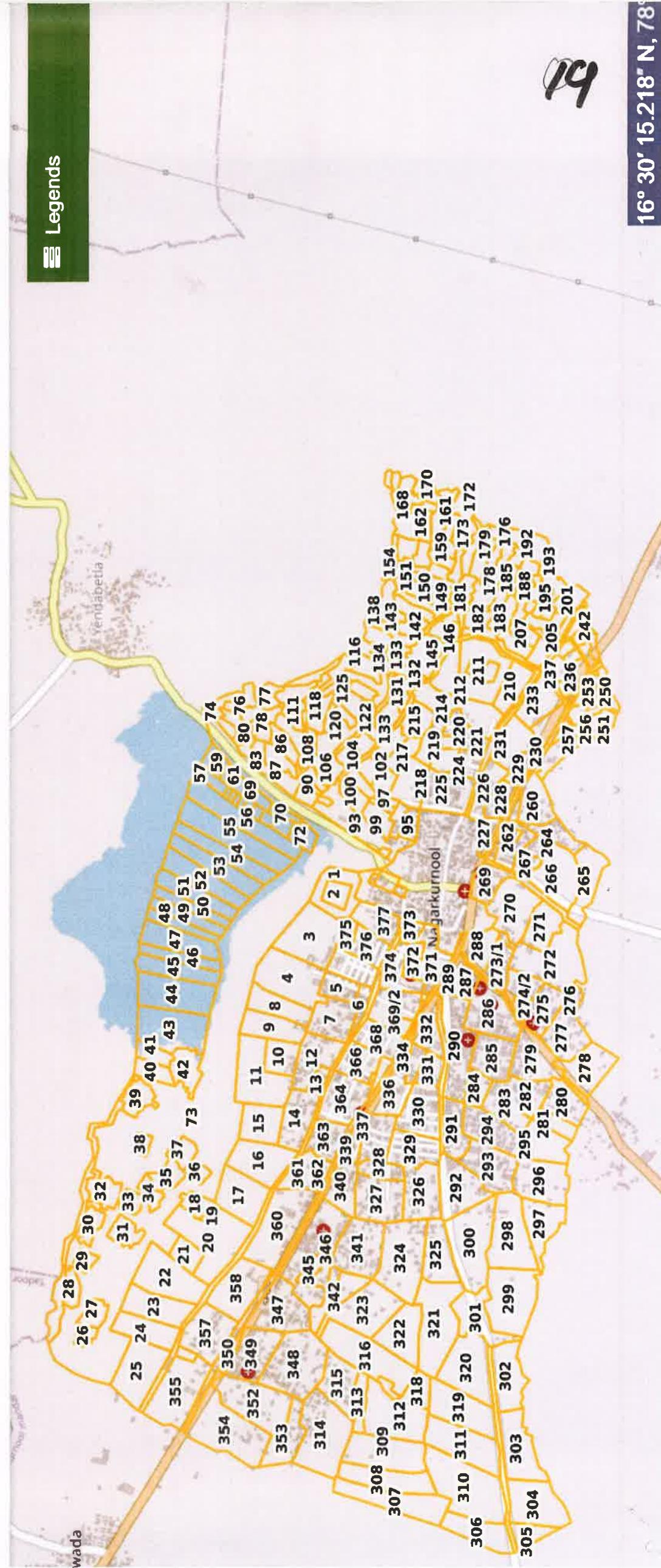


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Survey No



Legends

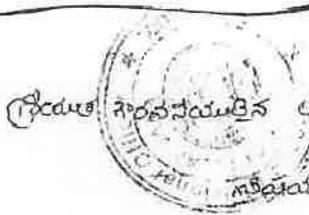


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19

3

20



R2 / 2016

తేదీ: 8.2.2016

శ్రీయం గౌరవనీయులైన శ్రీమంజుల గార్లకి.

33-84

నగర పంచాయతీ వారికి  
ప్రైవేట్ 3 8-20 భూమిని వ్యవసాయ  
భూమినుండి వ్యవసాయేతర భూమిగా మార్చుట గురించి

UND

- 1. అర్జీదారు వద్ద ప్రామాణ్య మరయు ఇతరులు నాగర్ కలెక్టర్ తో తేదీ: 8.2.2016.
- 2. శ్రీయం గౌరవనీయులైన ది.శ్యామల శ్రీమంజుల గారి ప్రదేశాలు తేదీ: 8.2.2016.

అయ్యి,

పై విషయం తమిళి చియుమచి విమనగా అర్జీదారు శ్రీ వద్ద ప్రామాణ్య మరయు ఇతరులు గారి అర్జీ మేరకు నాగర్ కలెక్టర్ వద్దనుంచి గల సర్వే నుంట్లు 3 లో 8-20 బద్దరకు విడుదలయి. అయ్యి ఇంట్ల ముది (గామ పెట్టెలు, చుట్టూ) (నగర లాండ్ సీలయి అనుగగా ఇట్టి భూమి వట్టెదారులం. వట్టె ప్రామాణ్య 5; బులయ్య 3/4 3-20 అ.తెంతుతి శ్రీమంజుల 50 రామయ 3/4 19 3/2 (1-00) 3/4 (1-00) 3/4 (1-00) 3/4 (1-00) 3/4 (1-00). ఉన్నారు అనియు తెలుస్తూ ఇట్టి భూమిని వ్యవసాయ భూమినుండి వ్యవసాయేతర భూమిగా మార్చుటకు దరఖాస్తు పెట్టెకున్నా అర్జీ భూమిపై ముఖమిచ్చి పై మరయుల విరుకు ముఖ మరయుల చిహ్న మరయుల ఈ విషయం అర్జీదారులకు తెలుసు. ప్రైవేట్ 3. Total extent: 8-20. లో ఎలాంటి కట్టెకేసులు గాని నెలకల అనుకుండా భూమిగాదలు గాని త్రవ్వు అనియు మరయు ఇట్టి భూమికి గ్రీన్, అవున్ లు దేవాలయ భూమిలు కావు అనియు మరయుల సాక్ష్యాలు తెలుసారు. కావున ఇట్టి భూమికి వ్యవసాయ భూమి నుండి వ్యవసాయేతర భూమిగా మార్చుటకు నిమంజనం అనియు తెలుసారు కావున అట్టి భూమికి వ్యవసాయ భూమినుండి వ్యవసాయేతర భూమిగా మార్చుటకు నిమంజనం అనియు తమిళి తెలుసుకొందమైంది.

ATTENTION  
 Revenue Department  
 Bangalore

మంజుల గార్లకి గియ్యం.

To  
The Tahsildar Nagar Kurnool

- 34 -

Sub: Submission of enquiry report request to convert agriculture into non agriculture land extent Ac. 8-20 guntas.

Ref: 1. Applicant Wadla Brahmaiah and others Nagar Kurnool Date 8-2-2016

2. Deputy Tahsildar, order Date 8-2-2016

Sir

I respectfully submit that on the application received from Sri Wadla Brahmaiah and others visited his land Survey No. 3 Ac. 8-20 guntas in the Nagar Kurnool Town, there some villagers, neighbours asked they came land pattadars 1. Wadla Brahmaiah S/o Balaiah, Ex. Ac. 3/aa 3-20 guntas 2. Kandukuri Srinivasullu S/o Ramulu 3/AA 0-10, 3/E 1-00 3/A 1-00 3. Gunreddy Linga Reddy S/o Ranga Reddy 3/AA 0-10, 3/E 1-00, 3/Aa 1-10, they submitted application for conversion of agriculture land at land panchas panchanama conducted Survey No. 3 total land Ac. 8-20 guntas not pending any Hon'ble Court case, no land disputes, this is not gairan land, not endowment lands panchas witness have told. Hence, it is correct convert agriculture land as non agriculture land this is my report.

Sd/- Mandal Revenue Girdavar  
Sd/- AO RDO Office, Nagar Kurnool



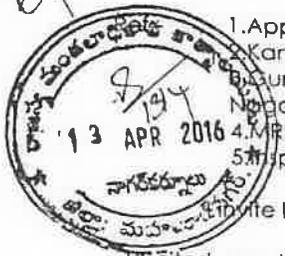
From:  
T.Srinivasa Suri,  
Tahsildar,  
Nagarkurnool.

To  
The Revenue Divisional Officer,  
Nagarkurnool.

**LETTER.NO.C/325/2016, DATE: 04.2016.**

I  
E/1489/2016

Sir,  
Sub:- NALA - Mahabubnagar District - Nagarkurnool (Village), Nagarkurnool (M) - Representation conversion of Agriculture land situated Vadla Brahmaiah S/o Balaiah Sy.No.3/AA (3-20), Kandukuri Srinivasulu S/o Ramulu Sy.No.3/AA (0-10), 3/e (1-00), 3/AA (1-10), Gunreddy Lingareddy S/o Rangareddy Sy.No.3/A(0-10), 3/e (1-00), 3/AA (1-10) admeasuring an extent of Ac.8.20 of Nagarkurnool (V) Nagarkurnool (M) into Non Agriculture purpose (House Sites) - proposals submitted - Reg.



1. Application of Vadla Brahmaiah S/o Balaiah Kandukuri Srinivasulu S/o Ramulu Gunreddy Lingareddy S/o Rangareddy R/o. Nagarkurnool (Village) Nagarkurnool (M) Dated: 09-02-2016
4. MRI, Nagarkurnool Report Dated: 09-02-2016
5. Inspection report of the Tahsildar, Nagarkurnool Dated: 3.04.2016.

:-oOo:-

Kindly give kind attention to the references cited and to submit that In the reference 1<sup>st</sup> cited, one Vadla Brahmaiah S/o Balaiah and (2) others R/o. Nagarkurnool (V) has submitted a representation and requested for conversion of their Agriculture land situated in Sy.No. 3/AA (3-20), 3/AA (0-10), 3/e (1-00), 3/AA (1-10), 3/A(0-10), 3/e (1-00), 3/AA (1-10) admeasuring an extent of Ac.8.20 of Nagarkurnool (V) Nagarkurnool (M) into Non Agriculture purpose (House Sites) in terms of Section 4 of the A.P.Agricultural Land (Conversion of Non Agriculture purpose) Act, 2006 (A.P Act.No.3 of 2006). In turn the same as forwarded to the ARI, Nagarkurnool for enquiry and report.

Accordingly in the reference 2<sup>nd</sup> cited the ARI has enquired into the matter and submitted a detailed report.

On examination of the report, it is to submit that, no Government land is encroached by the land owners, the land is not hit by the provision of APLR (COACH) Act and the land is not covered under any land acquisition proceedings. No Court case are pending on this land. There are no religious structures in the land. No water channels and public pathways are affected by the conversion of Agriculture land into Non Agriculture purpose the lands are under physical possession and enjoyment of the petitioners.

The permanent and temporary address of applicant was Nagarkurnool Village of Nagarkurnool Mandal.

-32-

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Further it is submitted that, in the reference 6<sup>th</sup> cited, the Tahsildar along with VRO has inspected the field and made the following observations. The details are as follows:-

01. The subject land is under the physical possession and enjoyment of the petitioners.
02. No Government land is encroached by the petitioner.
03. The land is not hit by the provision of APLR (COACH) Act,
04. The land is not covered under any acquisition proceedings.
05. No Religious structures /Monuments/Grave Yards
06. No Court Cases are pending over the subject land.
07. No High Power Tension lines are crossing the land and free from encroachment.
08. According to the Sub Registrar, Nagarkurnool the market value of the proposed land is Rs.2,00,000/- (Rupees Two Lakh only) per acre.
09. The subject land is located adjacent to Nagarkurnool Cheruvu. It is appropriate to obtain a report from IB Department.

10. The following are the boundaries of the proposed land.

NORTH	Patta lands of Sri ShyamSunder and others in Sy.No. 3 and Shikam.
EAST	Patta lands of Sri Jajala Tirupathaiah Sy.No.3
WEST	40 Ft road and next Endowment land is located in the name of Sri Seetha Rama Swami Devasthanam.
SOUTH	All Saints School, Houses and Raghavendra Model School.

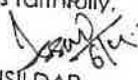
In this regard it is submitted that, precautionary measures has to be taken on the Point. No.09.

Since the proposals are processed as per the guide lines issued in G.O.Ms.No.1537 Revenue (Land Revenue) Department Dated: 19.10.2006 the proposals in proforma prescribed along with detailed report.

In view of the above position I send herewith the proposals for conversion of Agriculture land situated in Sy.No. 3/AA (3-20), 3/AA (0-10), 3/e (1-00), 3/AA (1-10), 3/A(0-10), 3/e (1-00), 3/AA (1-10) admeasuring an extent of Ac.8.20 of Nagarkurnool (V) Nagarkurnool (M) into Non Agriculture purpose (House Sites) in terms of Section 4 of the A.P. Agricultural Land (Conversion of Non Agriculture purpose) Act, 2006 (A.P Act.No.3 of 2006) for taking further action in the matter.

Early orders are solicited in the matter.

Copy to file.

Yours faithfully,  
  
TAHSILDAR,  
NAGARKURNOOL.

**NAGARKURNOOL TOWN  
MAHABUBNAGAR DISTRICT**

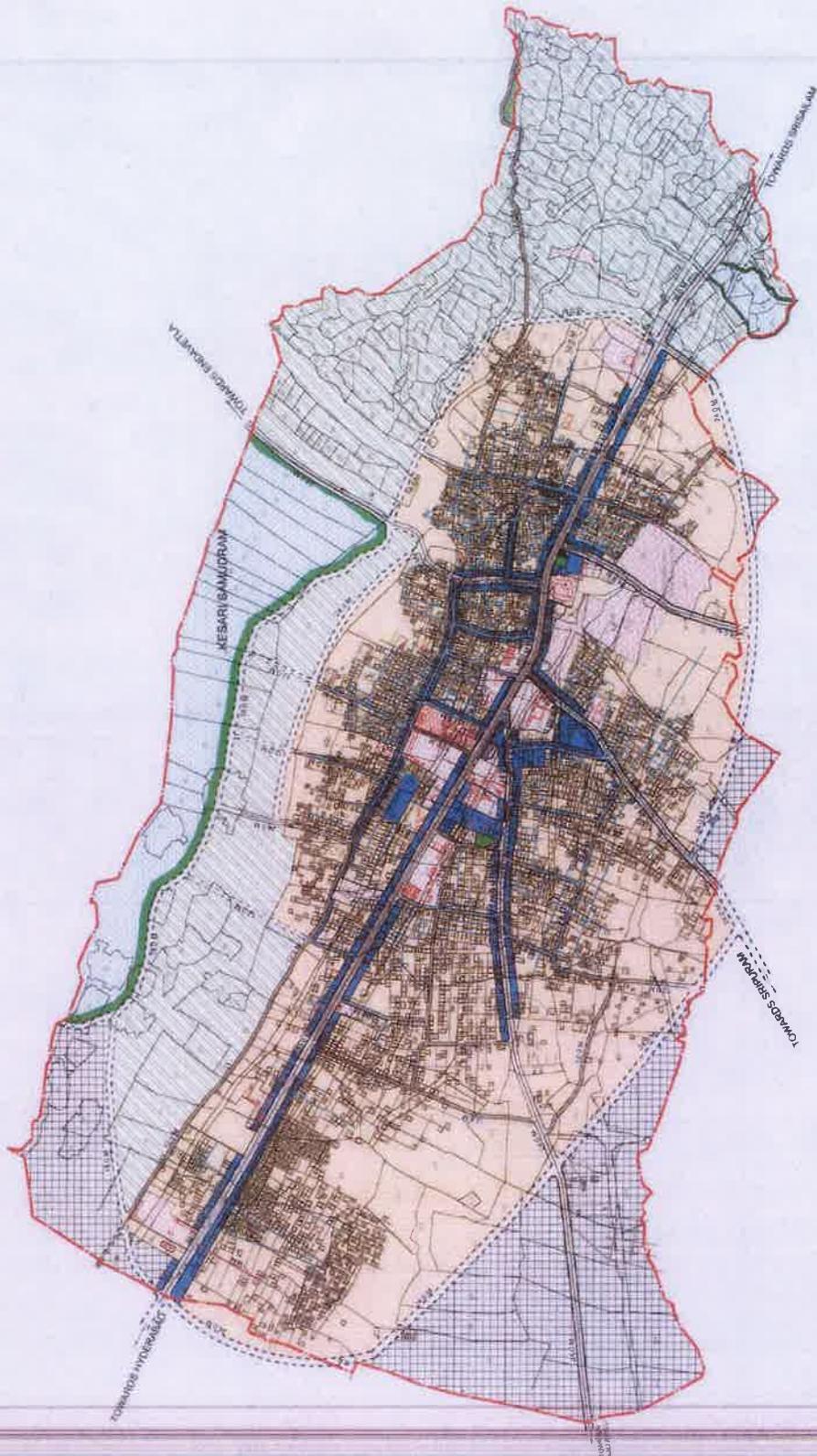
**LAND USE PLAN**



**DETAIL OF LAND USE**

- RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC SEMI PUBLIC
- GRAVE YARD
- PARKS
- TRANSPORTATION
- WATER BODIES
- URBANISABLE AREA
- AGRICULTURE

- REFERENCE**
- MUNICIPAL BOUNDARY
  - WATER BODIES



*M. Srinivas*  
DIRECTOR OF TOWN AND  
COUNTRY PLANNING  
MAHABUBNAGAR DISTRICT

*G. Srinivas*  
TOWN ENGINEER

*G. Srinivas*  
TOWN ENGINEER

*G. Srinivas*  
TOWN ENGINEER

SCALE = 1:1000  
30 40 50 60 70 80 90 100 METERS

**NAGARKURNOOL**  
General Town Planning Scheme

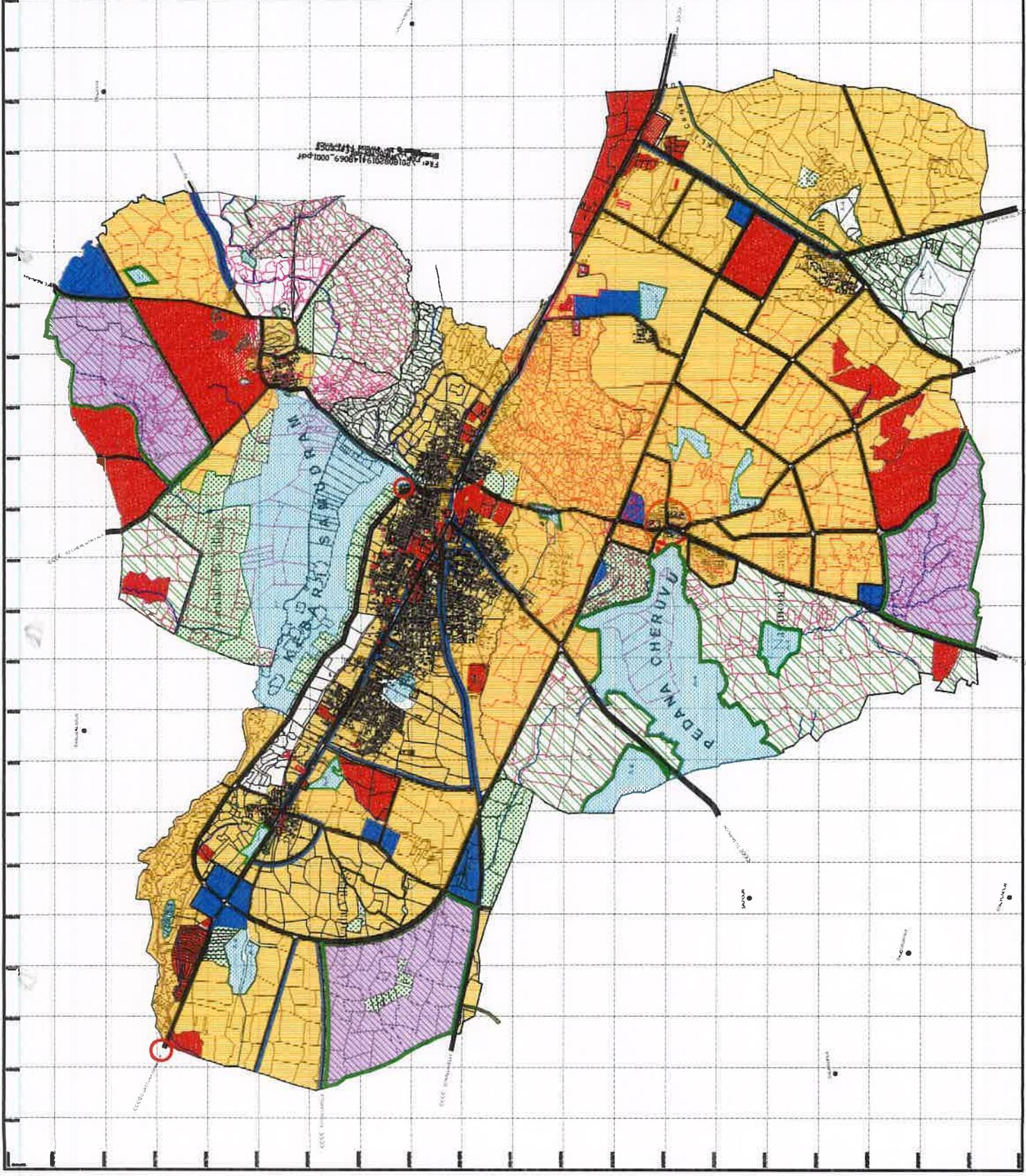
SHEET TITLE:  
Proposed Land Use Map - 2041

GENERAL NOTES			
1	Metre and Sub-metre		
2	Revenue Village Boundary		
3	Planning area		
REGULATIONS CODE			
1	RESIDENTIAL	200000	40.00
2	COMMERCIAL	220000	100
3	INDUSTRIAL	410000	100
4	RECREATION & SPORT	300000	100
5	EDUCATION	300000	100
6	GOVERNMENT BUILDING	300000	100
7	GOVERNMENT BUILDING (SCHOOL)	300000	100
8	GOVERNMENT BUILDING (OFFICE)	300000	100
9	GOVERNMENT BUILDING (MUSEUM)	300000	100
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MAP NO: 2  
SCALE: 1:10000  
NOTE: (G.P.S) DATA USED  
DATE:

DEPUTY DIRECTOR (H) JOINT DIRECTOR  
A.A.C. TOWNSHIP UNIT ASST DIRECTOR (H)

D. ACS, M.B.P., A.I.T.P.I.  
DIRECTOR OF TOWN AND COUNTRY PLANNING  
GOVT OF TELANGANA, HYDERABAD



File: 20100820191419069\_0004.dwg

**HIGH COURT FOR THE STATE OF TELANGANA**  
**(Special Original Jurisdiction)**  
**THURSDAY ,THE THIRD DAY OF DECEMBER**  
**TWO THOUSAND AND TWENTY**  
**PRESENT**

**THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY**  
**WRIT PETITION NO: 21887 OF 2020**

**Between:**

1. Mididdidi Shyam Sundar, S/o. Mr. M. Narasimhaiah, Aged about 52 Years, Occ. Business, R/o.H.No.10-63, Ramnagar Colony, Nagarkurnool Town and District - 509 209
2. Dr.G.Shalini, W/o.G.Srinivas, Aged about 33 Years, Occ. Doctor, R/o.H.No.10-63, Ramnagar Colony, Nagarkurnool Town and District - 509 209.
3. Mrs.Divya Sindura, W/o.M.Sharath, Aged about 29 Years, Occ. Housewife, R/o.H.No.10-63, Ramnagar Colony, Nagarkurnool Town and District - 509 209.
4. N.Vishnu Murthy, S/o.Late.Chandraiah, Aged about 59 years, Occ. Advocate, R/o.H.No.11-9-117, Road No.2, Laxmi Nagar Colony, Kothapet, Hyderabad

**...PETITIONERS**

**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development, Secretariat Buildings, Hyderabad
2. The Nagarkurnool Municipality, Rep By Its Commissioner, Nagarkurnool Town and District
3. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad.
4. The District Collector, Nagarkurnool District, Nagarkurnool.
5. The Revenue Divisional Officer, Nagarkurnool Division, Nagarkurnool District.
6. The Mandal Revenue Officer, Nagarkurnool Mandal, Nagarkurnool District.
7. The Regional Deputy Director, Of Town and Country Planning, DTCP Building 2nd Floor, 640, A.C.Guards, Masab Tank, Hyderabad.
8. The Dy. Executive Engineer (I B Divn), Irrigation Department, Nagarkurnool Disitric

**...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 a Writ in the nature of Certiorari, calling for the records pertaining to impugned notices dated 26/11/2020, served on the petitioners 1 to 4 on 27/11/2020 in File No.G/1116/UC/NGKL/2020 in reladon to A and B schedule land and also in

relation to H.No.10-203/1/A issued to petitioner No.4 and quash it as being arbitrary and illegal

**IA NO: 1 OF 2020**

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 suspend the operation of the 3 impugned notices dated 26/11/2020, served on the petitioners 1 to 4 on 27/11/2020 in File No.G/1116/UC/NGKL/2020

**Counsel for the Petitioners: SRI. VIJAY B PAROPAKARI**

**Counsel for the Respondent No.1: GP FOR MCPL ADMN  
URBAN DEV**

**Counsel for the Respondent No.2 and 7: SRI N. PRAVEEN KUMAR**

**Counsel for the Respondent No.3 to 6: G.P FOR REVENUE**

**Counsel for the Respondent No.8: G.P FOR IRRIGATION**

**The Court made the following: ORDER**

**THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY****WRIT PETITION No.21887 of 2020****ORDER:**

Heard learned counsel for the petitioners, the learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, Sri N. Praveen Kumar, learned Standing Counsel for Municipality for respondent Nos.2 and 7, learned Government Pleader for Revenue for respondent Nos.3 to 6 and learned Government Pleader for Irrigation for respondent No.8. With their consent, the Writ Petition is disposed of at the stage of admission itself.

This writ petition is filed seeking a writ of Certiorari to call for the records pertaining to the impugned notices dated 26.11.2020, served on the petitioners on 27.11.2020, in File No.G/1116/UC/NGKL/20220, in relation to 'A' and 'B' schedule land and also in relation to H.No.10-203/1/A, issued to petitioner No.4, and to quash the same.

Learned counsel for the petitioners states that without waiting for the report of the Committee, which has been constituted by the Green Tribunal, and without issuing any show cause notice, respondent No.2 – the Commissioner, Nagarkurnool Municipality, has straightaway issued the impugned notices directing the petitioners to remove the structures, which is contrary to the provisions of the Telangana Municipalities Act, 2019, and principles of natural justice, and therefore, prays to set aside the impugned notices.

Learned Standing Counsel appearing on behalf of respondent No.2 – Municipality states that the petitioners may be

directed to submit their explanations to the impugned notices and the same shall be considered in accordance with law.

In view of the fact that the impugned notices have been issued without putting the petitioners on notice and calling for their explanations, the impugned notices may be treated as show cause notices, the petitioners are directed to submit their explanations to the impugned notices raising their objections, which they deem fit, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanations, the official respondents shall consider the same and pass necessary orders strictly on merits, in accordance with law. It is needless to mention that before passing any orders, the petitioners shall be given an opportunity of hearing. A copy of the order passed by the official respondents shall be communicated to the petitioners. Till such time the final orders are passed, the official respondents shall not take any coercive steps against the petitioners.

The writ petition is accordingly disposed of.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

**I. NAGA LAKSHMI**  
**ASSISTANT REGISTRAR**

*Ch. Ch.*

**SECTION OFFICER**

//TRUE COPY//

To,

1. The Principal Secretary, Municipal Administration and Urban Development, State of Telangana, Secretariat Buildings, Hyderabad
2. The Commissioner, Nagarkurnool Municipality, Nagarkurnool Town and District
3. The Principal Secretary, Revenue Department, State of Telangana, Secretariat Buildings, Hyderabad.
4. The District Collector, Nagarkurnool District, Nagarkurnool.
5. The Revenue Divisional Officer, Nagarkurnool Division, Nagarkurnool District.
6. The Mandal Revenue Officer, Nagarkurnool Mandal, Nagarkurnool District.
7. The Regional Deputy Director, Of Town and Country Planning, DTCP Building 2nd Floor, 640, A.C.Guards, Masab Tank, Hyderabad.
8. The Dy. Executive Engineer (I B Divn), Irrigation Department, Nagarkurnool Disitric

9. One CC to SRI. VIJAY B PAROPAKARI Advocate [OPUC]
10. One CC to SRI. N. PRAVEEN KUMAR Advocate [OPUC]
11. Two CCs to GP FOR MCPL ADMN URBAN DEV (TG) ,High Court for the State of Telangana. [OUT]
12. Two CCs to GP FOR REVENUE ,High Court for the State of Telangana. [OUT]
13. Two CCs to GP FOR IRRIGATION ,High Court for the State of Telangana. [OUT]
14. Two CD Copies

Avs

*2/1*

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HIGH COURT  
AARJ  
DATED:03/12/2020



ORDER  
WP.No.21887 of 2020

DISPOSING OF THE WP  
WITHOUT COSTS

18  
64/12/2020

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**THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY**

**WRIT PETITION No.21887 of 2020**

**ORDER:**

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The writ petition is accordingly disposed of.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

**A.ABHISHEK REDDY, J**

Date: 03.12.2020

**Note: Issue CC tomorrow**

B/o

va/sur

34



VIJAY B PAROPKARI  
ADVOCATE

H. No. 5-1-125, Gowliguda,  
HYDERABAD - 500 195  
MOBILE: 8897153762

Date.22-02-2021

To

The Irrigation Officer-cum-Revenue Divisional officer,  
Nagarkurnool,  
At: Nagarkurnool.Telangana State.

Sir,

As per the instructions of my clients M.Shyam Sunder S/o.M.Narsimaiah and Smt.R.Divya Sindura W/o.M.Sharath, the following notice in response to your 4 notices dated 16-02-2021 issued in File No.A/2003/19 served on M.Shyam Sunder at 04.30 PM on 22-02-2021, I am to submit as under.

1. My client No.1 purchased an extent of land about Ac.12-00 guntas in survey No.3, situated at Nagarkurnool Village, Mandal & District Nagarkurnool under two registered sale deeds dated 31-01-2016 and 28-06-2019. The vendor of my clients filed an application for conversion under NALA Act. Your good selves R.D.O, Nagarkurnool got the land inspected in April, 2016 and based on the report in which it was stated that survey No.3 is in possession of undersigned, no Government land is encroached etc., and thus conversion was recommended. In so far as Survey No.39 is concerned, permission is already accorded for conversion on 10-10-2019.
2. The land in survey No.39 to an extent of Ac.02-00 guntas is purchased by my clients No.2 and No.3. In this land, Farm house is developed after obtaining permission from the local authority. In survey No.3, from the past 50 years, about 100 houses have been existing. Municipal taxes are collected on these properties. Civic amenities like electricity and water amenities have been provided.
3. In survey No.39, the NALA permission granted was revoked on the ground that it is in FTL. The applicant No.2 and another have filed W.P.No.2596 of 2020 in which the Hon'ble High Court directed to decide the objection filed by the my clients No.2 and another and till then directed your authorities not to interfere. This survey No.39 is

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-2-

2. In so far as Survey No.3 is concerned, during pendency of W.P.No. 18872 of 2020, the application for conversion is rejected on the ground that the land fall within FTL/ Buffer zone of Kesasamudram. Further on the basis of the same survey, constructions existing in Survey No. 3 and 39, were directed to be removed by notice dated. 26-11-2020, issued by the Municipal Counsel. This was challenged in W.P.No. 21887 of 2020. The Hon'ble High Court directed to submit an explanation. In effect, the direction contained in w.p.no. 2596 OF 2020, W.P.No.21887 of 2020 in relation to Survey No. 39 are not yet decided. The application for conversion in relation to Survey No.3 rejected on the basis of one Survey report on the basis of same Survey report application for conversion in relation to Survey No. 3 is rejected. If there is already a survey report based on which action is already taken, why another survey. It means already made survey report is wrong. In that event you cannot grant permission to Survey no.3 under NALA Act, which was rejected on the basis of some survey allegedly conducted on 16-09-2020. Moreover it appears that a report submitted before Green Tribunal in connection with O.A.No.182 of 2020. And also before the National B.C.Commission, in file No.NCBC/Member (80/2020), file 167.

In conclusion on the basis of your instructions you have already report in Survey No3 is conducted and based on that permission already granted is revoked (Survey No. 39) and application for conversion is rejected to ( Survey No.3) you filed a before the GREEN TRIBUNAL and N.B.C.C., that Survey is already conducted. Now you issued a notice saying that you want to fix FTL/Buffer zone. This shows that you are doing everything under the influence of political leader. It is un understandable as to what sought to be done on the basis of Survey. Admittedly your authority has no review power the under NALA Act. Proposed survey is waste of time and un-warranted use of government machinery and exercise in futility.

You are therefore requested to drop the exercise of survey.

*Yours faithfully*

M. S. Srinivasulu Reddy  
 Sd/-, 210 Rajmangalapuram

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identified and included in residential zone by the Town Planning Authority and Urban Development Authority, Zonal Development Authority after undertaking survey with co-ordination of Urban Development Authority and Irrigation Department. This zonal reservation is not disputed. The same land cannot be treated as residential zone by one department and FTL/Buffer zone by another department. The same principle clearly applies to survey No.3 also. In fact even as for the Tops Sheet, survey No.39 is not affected by any water bodies.

4. In so far as survey No.3 is concerned, during pendency of W.P.No.18872 of 2020, the application for conversion is rejected on the ground that the land falls within FTL/ Buffer zone of Kesasamudram. Further on the basis of the same survey, constructions existing in Survey No.3 and 39 were directed to be removed by notice dated 26-11-2020, issued by the Municipal Authorities. This was challenged in W.P.No.21887 of 2020. The Hon'ble High Court directed to submit an explanation. In effect, the direction contained in W.P.No.2596 of 2020, W.P.No.21887 of 2020 in relation to survey No.39 are not yet decided. The application for conversion in relation to survey No.3 rejected on the basis of one survey report and on the basis of same survey report, application for conversion in relation to survey No.3 is rejected. If there is already a survey report based on which action is already taken, why another survey. It means already surveyed report is wrong. In that event you cannot grant permission to survey No.3 under NALA Act, which was rejected on the basis of some survey allegedly conducted on 16-09-2020. Moreover it appears that a report submitted before Green Tribunal in connection with O.A.No.182 of 2020 and also before the National B.C.Commission in file No.NCBC/Member (80/2020), file 167.
5. In conclusion on the basis of your instructions you have already reported that survey in survey No.3 is conducted and based on that permission already granted is revoked (Survey No.39) and application for conversion is rejected to (Survey No.3) and you filed a report before the GREEN TRIBUNAL and N.B.C.C, that survey is already

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conducted. Now you issued a notice saying that you want to fix FTL/Buffer zone.

6. That contrary to directions of the Hon'ble High Court when the subject land was sought to be fenced, my client filed W.P.S.R.No.5597/2021 on 22-02-2021 after serving notice to Assistant Government Pleader representing your department. It seems you are informed about the filing of the writ by my client. You are also assured that in relation to the same issue, the matter on O.A.No.182 of 2020 is posted before the Hon'ble Green Bench, Chennai on 26-02-2021. To create a stand before the Hon'ble Court in W.P.S.R.No.5597/2021, the notice is anti dated and served. Except the date ie., 16-02-2021, the entire body of the notice is typical.

This shows that you are doing everything under the influence of applicant. It is un-understandable as to what sought to be done on the basis of survey. Admittedly your authority has no review powers under the NALA Act. Proposed survey is waste of time and un-warranted use of government machinery and exercise in futility.

You are therefore requested to drop the exercise of survey.

Enclosed:

1. All the necessary copies.

Dated: -02-2021

Place: Nagarkurnool.

ADVOCATE

పాఠశాలను బిల్డుంగును పూర్తిచేసి గియ్యవరు నాగకర్నూరు డివిజన్ నాగకర్నూరు  
 తేది 19.2.2016 - 35 - 105

క్ర.సంఖ్య	పాఠశాల పేరు	తండ్రి పేరు	వయస్సు	కులం	శా.త్ర	నివాసం
1)	లక్ష్మలక్ష్మి	నాగకర్నూరు	42	ఉప్పల	ప్రవహించు	నాగకర్నూరు
2)	మాలకట్టి సైమి	బుట్టల	39	మొట్టకూర	ప్రవహించు	నాగకర్నూరు
3)	మణిల నామల్	మొట్టల	44	మొట్టకూర	ప్రవహించు	నాగకర్నూరు

పై పుస్తకం పూర్తిచేసి మండల రెవెన్యూ గియ్యవరు నాగకర్నూరు గ్రామ రెవెన్యూ అధికారి నాగకర్నూరు గారి పేరు మీరకు నాగకర్నూరు వట్టు గారి సర్కిల్ 3 వద్దకు చేరవ్వబడింది. అక్కడ పాఠశాల పూర్తిచేసి తిరుగు ప్రస్తావన ప్రతిపాదన పంపించారు. వారికి పట్టణాధికారులు 1) వట్టు ప్రభుత్వం 2) 3-10 3) కందుకూరి శ్రీనివాసం 4) రామయ్య 5) 0-10 6) 3-12 7) 1-10 8) 1-10 9) సునీల్ లింగారెడ్డి 10) రంగారెడ్డి 11) 0-10 12) 3-12 13) 1-10 పట్టణాధికారులు అట్టి భూమికి పాఠశాల తూర్పున భూమి తిరుపతయ్య దగ్గరను: గురునాథువేద్య స్కూల్ వద్దను 30.11.2015 College లో ఉన్న ఉత్తరం, వట్టు ప్రభుత్వం వద్దను అట్టి పాఠశాల కలగ ఉన్నాయి. అట్టి భూమికి పాఠశాల కట్టడం, భూమిగానూ, 2) తగాదా లేవు. అన్నియు మరియు లాభాని ఉన్నట్టి, దీనివలన, రైతుల పాఠశాలను పూర్తిచేసి పాఠశాల అనియు పంపించారు. అట్టి పాఠశాల భూమికి ప్రవహించు భూమికి ప్రవహించులో భూమిగా మార్చుటకు నిమోజను అనియు పంపించు, రైతులకు తెలియజేస్తూ ప్రాధికార పూర్తిచేసి చనివి చినిపించగా సరిగ్గా ఉన్నదని సచివాలయం నుంచి.

సాక్షులు  
 పాఠశాల  
 Pandanama conducted by me  
 Recd. Time  
 1)   
 2)   
 3) M. G. O. P. Y.

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Panchanama Bilmushafa Mandal Girdavar Nagar Kurnool Camp Nagar Kurnool  
Dt. 19.2.2016

S.No.	Panchas name	Father name	Age	Caste	Occupation	Residence
1	Lakshmaiah	Venkataiah	43	Uppari	Agriculture	Nagarkurnool
2	Malishetty Swamy	Buchanna	39	Munnurukapu	Agriculture	Nagarkurnool
3	Madigela Gopal	Muthyalu	44	Munnurukapu	Agriculture	Nagarkurnool

We above mentioned three panchas Mandal Revenue Girdavar Nagar Kurnool and called by Village Revenue Officer, Survey No. 3 panchanama conducted in the land current cotton crop pattadars 1. Walda Brahmaiah S/o 3/A -3-20 2. Kandukuri Srinivasulu s/o Ramulu 3/AA 0-10 3/E 1-00, 1-10 3. Gunreddy Linga Reddy S/o Ranga Reddy 3/aa 0-10, 3/E 1-00, 3/AA 1-10 patta land boundaries East: Jajam Tirupataiah South: Guru Raghavendra School West 30.12 feet college road, North: Wadla Brahmaiah other land. not pending any Hon'ble Court case, no land disputes, this is not gairan land, not endowment lands panchas witness have told. Hence, it is correct convert agriculture land as non agriculture land this is my report.

The panchanama report explained and found correct.

Witness

Panchas Signature

Panchanama conducted by e 1. Sd 2. Sd 3 M. Gopal

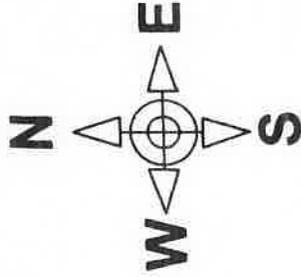
NALA CONVERSION TOUCH MAP

Sy.No.3 / , EXTENT :AC.08 -03Gt, NAGARKURNOOL(V)(M).

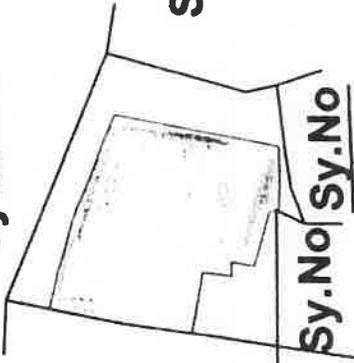
MAHABUBNAGAR (D).

PATTADAR NAME: YADLA BRAMHAIAH C2, K. Sreemivasulu

3. G. Linga Reddy.



Sy.No.73



Sy.No.4

Sy.No.1

Sy.No.5

Sy.No. 375

Saale :8"=One Mile  
Village:Nagarkurnool  
mandal:Nagarkurnool  
Dist:Mahabubnagr.

INDEX

DIMARCATED AREA 

SY NO. 3/

Extent:Ac. 08-03Gt.

Prepared By



MILIDU

Administrative Officer  
Revenue Divisional Office  
NAGARKURNOOL