

**WRIT APPEAL NO: 324 of 2026**

The Greater Visakhapatnam Municipal Corporation

...Appellant

Vs.

Kondavalasa Narasinga Rao and others

...Respondents

Advocate for Appellant : Mr A S C Bose

Advocate(s) for Respondent(s): Mr K S Murthy assisted by Mr Meka
Rahul Chowdary for R.1,GP for Municipal Administration &
Urban Development for R.2.**CORAM : THE CHIEF JUSTICE LISA GILL
SRI JUSTICE NINALA JAYASURYA****DATE : 16th June, 2026****LISA GILL, CJ:**

Prayer in this writ appeal is for setting aside order dated 25.09.2025, whereby writ petition bearing No.30758 of 2023 filed by respondent No.1 herein has been disposed of while directing present appellant, arrayed as respondent No.2 in the writ petition, to issue TDR bonds at the ratio of 1:4 to writ petitioner within a period of eight weeks from execution of gift deed by writ petitioner to the extent of land measuring 1537 Square Meters or Ac.0.38 cents which was used for widening of a road, though without acquiring the same.

2. Brief facts necessary for adjudication of the matter are that respondent No.1-writ petitioner, filed WP.No.30758 of 2023 for declaring action of respondents in laying a 40 feet wide public road through writ petitioner's land to an extent of 1537 Sq.Mtrs or Ac.0.38 Cents in Sy.no.76/3 of Venkatapuram Village, Gopalapatnam Mandal, Visakhapatnam District, without issuance of any notice or following due procedure of law and without paying any compensation as illegal, arbitrary and contrary to provisions of A.P Metropolitan Regions and Urban Development Authority Act, 2016, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, A.P. Building Rules, 2017 and Greater Hyderabad Municipal Corporation Act, 1955 .

2.1 It is *inter alia* pleaded in the writ petition that writ petitioner is absolute owner of land in question; between the years 2012 and 2015, respondent No.2 laid a new 40 feet wide public road connecting Panchamuka Anjaneya Swamy Temple towards downstream in Kamaparapalem wherein subject land of writ petitioner got affected; respondent No.2 neither issued a notice nor initiated land acquisition proceedings and carried out works without payment of compensation; since then, writ petitioner has been repeatedly requesting respondents to compensate him; respondents neither acquired land of writ petitioner nor paid compensation; eventually, in the year 2019, respondent No.2 initiated proposals for providing compensation wherein it was contemplated to provide compensation by way of grant of TDR at the ratio of

1:1 or 1:2 subject to transfer of subject land by way of registered gift deed in favour of respondent No.2 and sought clarification from Joint Collector, Visakhapatnam, regarding genuineness of writ petitioner's claim as per revenue records maintained with revenue department; clarification given by Joint Collector after obtaining reports from Tahasildar & Revenue Divisional Officer concerned clearly confirms that ryotwari patta issued in favour of writ petitioner is genuine and establishes writ petitioner's title over subject land; in spite of a lapse of two years from date of receipt of such clarification, respondent No.2 did not take any steps to release compensation in accordance with law.

2.2 It is further stated that grant of Transferable Development Rights as compensation can be made only when the same is mutually agreeable and respondent No.2 cannot compel a land owner to accept Transferable Development Rights as compensation. It is also stated that without prejudice to writ petitioner's right to compensation under provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as per amended Rule 168 of A.P. Building Rules, 2017, writ petitioner is entitled to receive TDR in the ratio of 1:4; however respondent No.2 contemplated grant of TDR in the ratio of 1:2, in terms of a repealed inoperative provision i.e., Rule 17 of A.P Building Rules, 2012, which is unsustainable, ultra vires and illegal.

2.3 Counter-affidavit was filed by present appellant (respondent No.2 in the writ petition), wherein it is *inter alia* stated that 40 feet wide public road through writ petitioner's land in an extent of 1517.8 Sq.Mts or Ac.0.38 cents in Sy.No.76/3 was laid by Engineering Wing of GVMC in the year 2012-2014 and not 2012-2015 as claimed by writ petitioner; road was laid on request of local villagers of nearby areas as they were facing much difficulty in reaching their areas from main road. Title of writ petitioner over subject land is not denied however, it is stated that road was laid without granting any TDR and without paying any compensation and that owner of land has not executed gift deed for the extent affected in formation of road in favour of GVMC. Having referred to Rule 168 of Rules which was relied on by writ petitioner in support of his claim of TDR bonds at the ratio of 1:4, it is stated that writ petitioner's claim that his case is covered by amendment for grant of compensation in the form of TDR at 1:4 ratio cannot be accepted for the reason that the road is not a master plan road and formation of road was completed during 2012-2014, he is at best entitled to TDR at the ratio of 1:2 only, which was applicable at that point of time. Keeping in view the clarification furnished by Joint Collector and representation submitted by writ petitioner, present appellant claimed that it was ready to issue TDR at 1:1 ratio to writ petitioner subject to compliance of all other conditions and rules prescribed for issuance of TDRs and asked writ petitioner to execute registered Gift Deed in respect of affected area, but writ petitioner without complying the same, filed the writ petition.

3. Learned Single Judge, on considering the facts and circumstances, concluded that land of writ petitioner was taken for public purpose for expansion of a road and that his claim would fall under Rule 168(1)(2)(a) and he would be entitled to TDR at ratio of 1:4. It was further directed that writ petitioner would execute a Gift Deed in favour of respondent No.2 to the extent of land which was affected and on such execution, respondent No.2 would issue TDR bonds at ratio of 1:4.

4. Writ petitioner has not challenged order dated 25.09.2025 and it is informed by learned senior counsel representing writ petitioner that writ petitioner has decided to accept the said decision and would not further press his claim as in the writ petition.

5. Learned counsel for appellant vehemently argues that impugned order dated 25.09.2025 deserves to be set aside as writ petitioner is not entitled to TDR bonds at ratio of 1:4. While admitting that expansion of road in question was carried out between 2012 and 2014 without any steps taken for acquisition of land and neither option of gift deed being executed in favour of appellant was offered to writ petitioner at that time, learned counsel for appellant submits that at best writ petitioner is entitled to TDR bonds at ratio of 1:2 in terms of applicable building rules at the relevant time. Reference is made to G.O.Ms.No.168, dated 07.04.2012.

6. Learned counsel for appellant further contends that as no objection whatsoever had been raised by land owner till filing of writ petition in the year 2023, he is not entitled to TDR bonds at ratio of 1:4.

7. Sri K S Murthy, learned Senior Counsel appearing for respondent No.1 – writ petitioner has opposed this appeal while submitting that writ petitioner had been constantly representing before the authorities but to no avail. Representation dated 28.06.2019 and subsequent ones are apparent from record of writ petition itself.

7.1. Learned Senior Counsel for writ petitioner submitted that learned Single Bench has correctly passed impugned order dated 25.09.2025. It is argued that appellant cannot first use land of writ petitioner without acquiring the same and without paying any kind of compensation for such long years, force writ petitioner into unwanted litigation and then turn around to say that he would be entitled only to T.D.R. in ratio of 1:2 in case he is ready to execute the Gift Deed. It is thus prayed that this appeal be dismissed being devoid of any merit.

8. We have heard learned counsel for parties and have perused the file carefully with their able assistance.

9. It is a matter of record and not denied that land of writ petitioner was put to use without taking any steps for acquiring the same or offering any compensation for the said land. Furthermore, it is also a matter of record that

writ petitioner had not been offered an option to gift the land or execute Gift Deed at relevant point of time. It is specifically observed by learned Single Bench that it was an unfounded suspicion raised by appellant in respect to title of writ petitioner and that even after having dispelled the said unfounded suspicion, no action had been taken for offering TDR bonds to writ petitioner. Learned Single Bench disposed of the writ petition while directing present appellant to issue TDR bonds at the ratio of 1:4 to writ petitioner, in the given facts and circumstances.

10. As noted in the foregoing paragraphs, writ petitioner has not filed any appeal challenging order dated 25.09.2025 and that he has accepted the said decision.

11. In the given facts and circumstances, learned counsel for appellant is unable to point out any ground whatsoever, which calls for interference by this court in exercise of appellate jurisdiction.

12. Learned counsel for appellant was also unable to point out any material on record to indicate that writ petitioner had ever acquiesced to the action taken by the appellant for use of the land without payment of any compensation or had never raised any objection thereto. Representation submitted by writ petitioner indicating that he has been agitating for his right to compensation is available on record.

13. Keeping in view the facts and circumstances as above, we find no illegality, infirmity or irregularity in impugned order dated 25.09.2025.

14. Writ Appeal is accordingly dismissed being devoid of any merit.
No costs.

Pending application(s) if any stand(s) disposed of accordingly.

LISA GILL, CJ

NINALA JAYASURYA, J

VJI/SSN

Whether the order is Speaking/Reasoned : Yes / No

Whether the order is Reportable/Non-reportable : Yes / No