



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3457]

TUESDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 30999/2017

Between:

Durga Prasad Chaturvedula, and Others

...PETITIONER(S)

AND

Visakhapatnam Urban Development Authority and
Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1. G RAMA GOPAL

Counsel for the Respondent(S):

1. GP FOR MUNICIPAL ADMN URBAN DEV

2. SOMISETTY GANESH BABU SC For VUDA and MUDA

The Court made the following:

Reserved on : 05.11.2025

Pronounced on : 02.12.2025

Uploaded on : 02.12.2025

THE HONOURABLE SRI JUSTICE HARINATH.N**WRIT PETITION No.30999 of 2017****ORDER:-**

1. The petitioners are aggrieved with Government Memo No.218899/H2/2016-1, dated 29.11.2016 and the calculation memo dated 03.05.2017 issued by the 1st respondent determining the penalization charges, open space cost and surcharges payable for regularizing the land of the petitioners.
2. The learned counsel for the petitioners submits that the petitioners owned land admeasuring 2210 square yards in Sy.No.296/3, Madhuravada Village which was purchased vide registered sale deed dated 14.03.2006. It is submitted that the 2nd respondent issued GOMs.No.902, dated 31.12.2007 for regularization of house sites in unapproved layout. AP Regulation of Unapproved and Illegal Layout Rules, 2007 were framed.
3. The petitioners property was in an unapproved layout and as such submitted an application for regularization of the property of the petitioner on 23.06.2012. The petitioners calculated the penalization amounts as per the tabulation and submitted that the petitioners are required to pay Rs.11,95,091/- and have also paid an amount of Rs.6,00,000/- vide Demand Draft dated 22.06.2012. It is submitted that the petitioners shall pay the balance amount after the competent authority scrutinizes the application.

4. It is submitted that the petitioners received a communication dated 20.01.2014 on 06.03.2014 notifying certain shortfalls. The petitioners promptly submitted the necessary information and requested the respondent authority to process the application of the petitioners for regularization of their property. It is submitted that the petitioners received a letter dated 13.02.2017 from the 1st respondent calling upon the petitioners to pay an amount Rs.73,24,517/- towards balance penalization charges, open space cost and 20% surcharge.
5. The petitioners submitted a reply on 12.04.2017 after seeking extension of time from the respondents and requested the 1st respondent to calculate the applicable amount for grant of LRS under the statutory rules. It is submitted that the respondent has reiterated their stand vide the impugned proceedings dated 03.05.2017 duly affirming that the calculation arrived at by the respondents is in terms of the Government Memo dated 29.11.2016.
6. The learned counsel for the petitioner submits that GOMs.No.301, dated 11.04.2008 would refer to prevailing basic value as on the date of registration of the plot. It is submitted that the respondents cannot determine the penalization charges by surpassing GOMs.No.301. It is also submitted that there is no justification in levying the charges by referring to the Government Memo issued on 29.11.2016.
7. The 1st respondent has filed a detailed counter and the learned standing counsel appearing for the 1st respondent submits that the layout

regularization scheme was introduced to approve unauthorized and illegal layouts vide GOMs.No.902, dated 31.12.2007. The unplanned development could be brought into the fold of land development for extending basic facilities in those areas to enable the over all development of the city. It is submitted that Andhra Pradesh Regulation of Unapproved and Illegal Rules, 2007 were introduced with a motive of planned development and regularization of the unauthorized and illegal layouts.

8. It is submitted that the petitioner has failed to pay the amount which was required to be paid for considering the petitioners application for regularization of the land and the determination of charges is as per the Government Memo No.218899/H2/2016-1, dated 29.11.2016.It is submitted that as the petitioner has failed to pay the amount as called upon. The respondents shall refund the amount paid by the petitioner by deducting 10% of the amount.
9. Heard the learned counsel for the petitioner and the learned standing counsel for the 1st respondent. Perused the material on record.
10. The following dates are relevant for determining the issue on hand ;
 - The petitioners purchased the land vide registered sale deed dated 14.03.2006.
 - On 31.12.2007, the 2nd respondent introduced AP Regulation of Unapproved and Illegal Layout Rules, 2007 vide GOMs.No.902.
 - On 23.06.2012 the petitioners submitted application seeking regularization of their property by paying an amount of Rs.6,00,000/- vide Demand Draft dated 22.06.2012.

- On 06.03.2014, the petitioners received communication bearing RC.No.31581/2012/PLG/L5 calling upon the petitioners to submit certain additional information.
 - On 11.03.2014 the petitioners submitted additional information as called for.
 - On 13.02.2017 the 1st respondent issued a letter to the petitioners calling upon them to pay an amount of Rs.73,24,517/- towards balance penalization charges, open space cost and 20% surcharges. The petitioners were called upon to demarcate the plots with survey stones and plot numbers apart from demarcation of approach road to the property.
 - The petitioners were also informed to comply with the requirements by 25.02.2017, failing which the LRS application of the petitioners would be returned.
 - On 12.04.2017, the petitioners submitted a detailed representation after seeking extension of time as some of the petitioners were residing in U.S.A.,
 - On 03.05.2017, the 1st respondent reiterated the claim for payment in pursuance of the Government Memo dated 29.11.2016.
11. The petitioners submitted their application much prior to issuance of Government Memo No.218899/H2/2016-1, dated 29.11.2016, however, the impugned proceedings would refer to the said Government Memo and seeks to levy the applicable charges in terms of the Government Memo. It is pertinent to mention that the petitioners have submitted the application seeking regularization of their property in terms of GOMs.No.902 and AP Regulation of Unapproved and Illegal Rules, 2007. Clause 10(b) of the said Rules were amended vide GOMs.No.113, dated 31.01.2008. The case of the petitioners falls

under Clause 4 of the amendment in GOMs.No.113, whereby, Rule 10(b) of the Rules was substituted. In the case of the petitioners the option is given to plot owners to pay the regularization fee at the time of regulation of plot as per the market value prevailing as on 01.01.2008 or at the time of applying for building permission as per the rate prevailing as on the date of application for building permission.

12. The calculation arrived at by the 1st respondent is evidently referring to Government Memo 218899/H2/2016-E1, dated 29.11.2016. The State cannot override the rules by issuing a Memo for making applicable the revised rates of charges for an application which was pending much prior to issuance of Government Memo. The 1st respondent has grossly erred in not determining the applicable balance charges payable by the petitioners in terms of GOMs.No.902, dated 31.12.2007 and GOMs.No.113, dated 31.01.2008.
13. There is no justification as to what kept the 1st respondent to hold on to the application of the petitioner for a period of two years in calling upon the petitioners to comply with certain shortfalls. There is also no justification as to what prevented the 1st respondent in promptly responding to the representation of the petitioners and kept the petitioners on hold for a further period of three years in communicating the demand for payment of the regularization amount in terms of the Government Memo dated 29.11.2016.

14. The lethargy is exhibited by the 1st respondent and the deliberate ambiguity is created by the 1st respondent by referring to the applicable charges in terms of the Government Memo dated 29.11.2016 and ignoring the AP Regulation of Unapproved and Illegal Layout Rules, 2007. The impugned proceedings do not even refer to the Rules and this Court is of the considered opinion that the 1st respondent cannot override the rules by issuing a memo. More particularly, making applicable the revised rates as per the Government Memo dated 29.11.2016 for an application which has been pending much prior to issuance of said Memo. This Court has no hesitation to hold that the Government Memo No.218899/H2/2016-1 issued by the Government on 29.11.2016 cannot be retrospectively made applicable in so far as the petitioners are concerned
15. On these considerations, the impugned proceedings are hereby set aside and the respondents are hereby directed to calculate the applicable charges for considering the petitioners LRS application in terms of GOMs.No.902 Municipal Administration & Urban development (M1) Department, dated 31.12.2007 and GOMs.No.113 Municipal Administration & Urban Development (M1) Department, dated 31.01.2008. As the application of the petitioners has been pending since the last 13 years, there shall be a direction to the 1st respondent to notify the petitioners the balance regularization amount payable within a period of six weeks from the date of receipt of this Order.

16. Accordingly, writ petition is allowed. No costs.

As a sequel, miscellaneous applications, pending, if any, shall stand closed.

Dated 02.12.2025
KGM

JUSTICE HARINATH.N

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION No.30999 OF 2017

Dated 02.12.2025

KGM