

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8913/2004

(From the judgement and order dated 27/08/2003 in WP No.15064/1993 of The
HIGH COURT OF A.P AT HYDERABAD)

NISTALA VENKATARAMANAMMA(D)THR.LRS.&ORS. Petitioner(s)

VERSUS

COLLECTOR, VISAKHAPATNAM & ORS. Respondent(s)

(With appln(s) for permission to file additional documents and office
report)
(For Final Disposal)

WITH SLP(C) NO. 8915 of 2004
(With prayer for interim relief and office report)
(For Final Disposal)

SLP(C) NO. 8914 of 2004
(With prayer for interim relief and office report)
(For Final Disposal)

Date: 01/10/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr. A.K. Sanghi, Sr. Adv.
Mr. V. Sridhar Reddy, Adv.
Mr. Abhijit Sengupta, Adv.
Ch. Leela Sarveswar, Adv.

For Respondent(s) Mr. Anoop Choudhari, Sr. Adv.
Ms. C.K. Sucharita, Adv.
Ms. Rumi Chanda, Adv.

Mr. G. Ramakrishna Prasad ,Adv
Mr. B. Suyodhan, Adv.
Ms. Filza Moonis, Adv.
Mr. Bharat S. Joshi, Adv.

UPON hearing counsel the Court made the following
O R D E R

We have heard Mr. A.K. Sanghi, learned senior counsel for the petitioners and Mr. Anoop Choudhari, learned senior counsel for the respondents.

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The petitioners had approached the High Court of Andhra Pradesh claiming relief under the A.P. Land Grabbing (Prohibition) Act, 1982. In those proceedings, it was pointed out to the High Court that the area in question has been declared as a slum area under the A.P.(Andhra Area) Slum Improvement(Acquisition of Land) Act, 1956. It was also pointed out that certain proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the same land were pending. In these circumstances, the High Court took the view that since the petitioners' status as an owner would depend upon the status of the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 and since the area is said to have been declared as a slum, it would not be appropriate to entertain the petitions at that stage. The High Court thus dismissed the petitions as premature and observed that it may be necessary to conclude the rights of the petitioners both under the A.P.(Andhra Area) Slum Improvement (Acquisition of Land) Act, 1956 and the A.P. Land Grabbing (Prohibition) Act, 1982 which are subject to attaining finality of the proceedings under Section 20 of the Urban Land (Ceiling & Regulation) Act, 1976.

Except for pointing out the fact that on the date of the decision of the High Court, the Urban Land (Ceiling & Regulation) Act, 1976 which has been repealed with effect from 27.03.2008 in the State of Andhra Pradesh, we see no reason to make any observation or interfere with the decision of the High Court. We would only observe that the appropriate authority may examine whether any proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 can be continued or concluded as contemplated by the High Court. Subject to that, the special leave petitions are liable to be dismissed and are, accordingly, dismissed.

The parties are at liberty to approach the appropriate authority under the A.P. Land Grabbing (Prohibition) Act, 1982, A.P.(Andhra Area) Slum Improvement(Acquisition of Land) Act, 1956 as well as the Urban Land (Ceiling & Regulation) Act, 1976 as may be advised.

| (DEEPAK MANSUKHANI)
| Court Master

| (M.S. NEGI)
| Court Master