

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.5163-5164 OF 2010

A.P. WORKING JOURNALIST UNION

.....APPELLANT

VERSUS

ANANTHAPUR MUNICIPALITY & ORS.

.....RESPONDENTS

O R D E R

Heard Mr.Mishra, learned senior counsel for the appellant and Mr.Goburdhan and Ms.Pruna Singh, learned counsel for the respondents.

The present appeals by special leave call in question the legal propriety of the judgment and order dated 17.08.2014 passed by the High Court of Andhra Pradesh (presently the High Court of Telangana and Andhra Pradesh) in WP Nos.8467/1999 and 10394/1999.

The crux of the matter is that the land in question belonged to the Ananthapur Municipality and the same was being allowed to change of use. As the factual score would show, neither the Commissioner of the Municipality nor the State Government had approved the plan for construction of building under the Town Planning Rules and, therefore, the appellant could not have taken possession over the land.

On a perusal of the affidavit filed by the Commissioner before the High Court, we find that he had taken a categorical stand that neither he nor the State Government granted any approval for change of use of the land. It is his further stand that in the

Master Plan, the area in question is meant for central park.

Learned senior counsel for the appellant would submit that the park is shifted as more land was needed and, therefore, a Resolution was passed by the Municipal Council to give the land to the society. It can be said without any fear of contradiction that mere passing of a Resolution by the Municipality in respect of a land allotted by the Government for a specific purpose would be of no avail and the use of the land cannot be changed and utilised for some other purpose unless the Master Plan is modified under the Andhra Pradesh Town Planning Act, 1970.

On a perusal of the impugned order passed by the High Court, we find that no right, title and interest had really been passed to the appellant. In such a situation, any action taken by the appellant on the land cannot be regarded as justified.

In view of the aforesaid, we do not find any merit in these appeals and the same are accordingly dismissed. There shall be no order as to costs.

.....CJI.
(DIPAK MISRA)

.....J.
(A.M.KHANWILKAR)

.....J.
(Dr.D.Y.CHANDRACHUD)

NEW DELHI;
OCTOBER 5, 2017.

ITEM NO.104

COURT NO.1

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).5163-5164/2010

A.P. WORKING JOURNALIST UNION

Appellant(s)

VERSUS

ANANTHAPUR MUNICIPALITY & ORS.

Respondent(s)

Date : 05-10-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Appellant(s) Mr.J.K.Mishra, Sr.Adv.
 Mr.R.Santhan Krishnan, Adv.
 Mr.Aditya Kr., Adv.
 Mr.D. Mahesh Babu, AOR

For Respondent(s) Ms.Prerna Singh, Adv.
 Mr.Guntur Prabhakar, AOR

 Mr.D. N. Goburdhan, AOR
 Ms.Pallavi Chopra, Adv.

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

The appeals are dismissed in terms of the signed order.

There shall be no order as to costs.

(SATISH KUMAR YADAV)
AR-CUM-PS

(H.S. PARASHER)
ASSISTANT REGISTRAR

(Signed order is placed on the file)