



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

[3457]

FRIDAY, THE TWENTY THIRD DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE HARINATH.N
WRIT PETITION NO: 9575/2022**

Between:

1.M/S. KOTHAVALASALNFRAVENTURESPVT. LTD., HAVING OFFICE
AT 10-1-43, FLAT NO. 202, RD FLOOR, SIRIPURAM FORT,
SIRIPURAM, VISHAKAPATNAM - 530 003 REP. BY ITS
AUTHORISED SIGNATORY SRI. VENKATESWARA RAO KAMINENI

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY SPECIAL CHIEF
SECRETARY TO GOVERNMENT, DEPARTMENT OF MUNICIPAL
ADMINISTRATION AND URBAN DEVELOPMENT, SECRETARIAT
BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT, ANDHRA PRADESH
- 2.THEVISAKHAPATNAM METROPOLITAN REGION DEVELOPMENT
AUTHORITY, REP. BY ITS COMMISSIONER, 8TH FLOOR, UDYOG
BHAVAN, SIRIPURAM JUNCTION, VISAKHAPATNAM-530003,
ANDHRA PRADESH.
- 3.THE CHIEF URBAN PLANNER, VISAKHAPATNAM METROPOLITAN
REGION DEVELOPMENT AUTHORITY, 8TH FLOOR, UDYOG
BHAVAN, SIRIPURAM JUNCTION, VISAKHAPATNAM-530003,
ANDHRA PRADESH

...RESPONDENT(S):

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 topleased to issue any order, direction, writ more particularly one in the nature of Writ of Mandamus, declaring the actions of the Respondents in still showing the Subject Property of the Petitioner i.e. Ac.15 in Sy. Nos. 162. and Ac.09. 51Cents in Sy.No.164. of Chinnipalem village of Kothavalsa Mandal, Vizianagaram District, as Brown Zone (Hills) in the final and sanctioned Master Plan, 2041 and in G.O.Ms.No.136 dated 08-11-2021 as illegal, arbitrary, unconstitutional and consequently set aside the said final and sanctioned master plan, 2041 and the G.O. to the extent of the Subject Property and direct the Respondents to correct the classification of the

Subject Property lands as residential zone in the final and sanctioned Master Plan, 2041 and pass

IA NO: 1 OF 2022

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 direct the Respondents to forthwith remove the classification of the Subject Property as the Brown Zone (Hills) from the final and sanctioned Master Plan, 2041 pending the final disposal of the writ petition and pass

IA NO: 2 OF 2022

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 direct the Respondents to consider the representations/notices dated 18.11.2021, 21.12.2021 and 17.03.2022 pending the final disposal of the writ petition and pass

IA NO: 3 OF 2022

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 permit the Petitioner to file the additional affidavit along with the documents and pass such

IA NO: 1 OF 2025

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 grant Leave to the Respondent No's. 2 & 3 to file the Counter Affidavit in W.P.No.9575 of 2022 and pass

Counsel for the Petitioner:

1.D S SIVADARSHAN

Counsel for the Respondent(S):

- 1.Somisetty Ganesh Babu SC For VUDA and MUDA
- 2.GP FOR MUNICIPAL ADMN URBAN DEV

The Court made the following:

THE HONOURABLE SRI JUSTICE HARINATH.N
WRIT PETITION No.9575 of 2022

ORDER:

1. The petitioner is challenging the actions of the respondents in classifying the land of the petitioner as Brown Zone (Hills) in the final and sanctioned Master Plan 2041. Accordingly, GOMs.No. 136, dated 08.11.2021 is issued by classifying the vacant and plain lands admeasuring Ac. 15.00 in Sy. No.162, Ac.09.51 cents in Sy. No.164 in Chinnipalem Village, Kothavalasa Mandal, Vizianagaram District as Brown Zone. The petitioner is seeking a direction to set aside the final and sanctioned Master Plan 2041 and the GO to the extent of the subject property and further direction to the respondent authorities to correct the classification of the subject lands as residential zone.
2. The learned counsel for the petitioner submits that the petitioner is the absolute owner and possessor of vacant and non-agricultural land measuring Ac. 15.00 in Sy. No. 162 and Ac. 9.51 cents in Sy. No. 164 in Chinnipalem Village, Kothavalasa Mandal, Vizianagaram District. It is submitted that the 2nd respondent issued a public notice on 16.06.2021 under Section 12(1) of the Andhra Pradesh Metropolitan Region and Urban Development Authority Act, 2016. By virtue of the said notification, the 2nd respondent called for objections and suggestions regarding the Map depicting various land uses. The petitioner submitted various objections and suggestions, which were received by the respondents on 23.07.2021.

3. The petitioner is primarily concerned with the inclusion of the petitioner's lands in the Brown Zone (Hills). It was submitted that there are no hills in the said area earmarked as Brown Zone and as such sought the deletion of Brown Zone in the draft master plan in 2041.
4. The respondents, by including the petitioner's property in the Brown Zone, have infringed on the existing rights of the petitioner over the said property. The respondents ought to have considered the existing rights of the various landlords over the properties which were purchased for a valid sale consideration. The respondents have not acted on the representation of the petitioner and have not removed the petitioner's property from the Brown Zone.
5. The learned counsel for the petitioner has filed an additional affidavit and a permission petition seeking to bring on record the proceedings of the 2nd respondent dated 06.08.2022, whereby the petitioner was informed about the inclusion of the petitioner's land erroneously under Brown Zone and that the petitioner would have to apply for a change of land use at the time of the proposed development.
6. The learned standing counsel appearing for the respondents 2 and 3 filed a detailed counter and submits that the role of the 2nd respondent is to prepare the master plan and send it for approval to the 1st respondent. Respondents Nos 2 and 3 are not competent to either modify or rectify the draft master plan. Upon receipt of the applicants' request, the applications were forwarded to the 1st respondent for approval. It is also submitted that the 2nd respondent has strictly followed the due procedure in examination

of objections/suggestions, and as such, land earmarked in the draft master plan – 2041 in Sy.Nos. 47, 105, 162/P, 165, 167 and 168 of Chinnipalem Village of Kothavalasa Mandal, Vizianagaram District have been rectified and earmarked as residential land use zone. However, land in Sy. No.162/P and 164 are earmarked as Brown Zone, and accordingly, the 1st respondent approved the sanctioned master plan – 2041. Insofar as the endorsement letter No.119/2022/S.A/Dt. 16.03.2022 of Tahsildar, Kothavalasa, issued to the petitioner herein, the petitioner was duly informed about the error committed; however, it was left open for the petitioner by advising the petitioner to seek a change of land use at the time of the proposed development in the said land.

7. It is also stated that the 1st respondent vide Memo No.1455449/M2/2021, dated 16.01.2025, directed the 2nd respondent to revisit the master plan – 2041 in its entirety. Accordingly, the 2nd respondent issued a notification calling upon all the stakeholders, the public and others concerned to submit their objections/suggestions on the division of the master plan – 2041. The petitioner also submitted the objections and that the petitioner's request also would be considered after verifying the mandatory documents and the applicable rules, and the same shall be placed before the high-level technical committee, which was constituted on 23.06.2025, for further consideration on merits.
8. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents 2 and 3. Perused the material on record.

9. The short point for consideration in the writ petition is whether the petitioner has made out a case for directing the respondent authorities to rectify the error committed in classifying the petitioner's property under the Brown Zone.
10. The proceedings of the 2nd respondent, Eoffice No. 11025(33)/93/2021/L8 (e-1606649), dated 05.08.2022, amply clarify that the 2nd respondent has rectified the draft master plan and Ac. 80.00 of land and earmarked the same as residential land use zone, and erroneously, land measuring Ac 29.62 cents covered in Sy. No.162 and 164 of Chinnipalem (village), Kothavalasa Mandal, Vizianagaram District and in Sy. No.29 of Datti Village, Kothavalasa Mandal, Vizianagaram District has been left as a Brown Zone. It is also stated that the 2nd respondent is not competent to modify/rectify any land uses in the sanctioned master plan, and it is the 1st respondent who is competent to effect the rectification.
11. The title of the petitioner to an extent of Ac.109.09 cents covered in Sy.Nos. 47, 105, 162, 164, 165, 167 and 168 of Chinnipalem Village is not in dispute with the respondents. However, the land in Sy. No.29 of Datti Village is classified as Government land as per the proceedings dated 05.08.2022. The said aspect is not matter for consideration in the present writ petition.
12. It is also not in dispute that the respondent authority has duly considered the petitioner's objections and suggestions and rectified the master plan by removing land measuring Ac. 80.00 from the Brown Zone and classifying it as a residential land use zone. Insofar as the remaining extent of Ac. 29.62

cents is concerned, the 2nd respondent has, in vivid and unambiguous terms, clarified that the said extent of land is erroneously left as Brown Zone (Hills).

13. The 2nd respondent, having admitted the error committed, has also stated that the 2nd respondent is not competent to rectify the master plan. The 2nd respondent also advised the petitioner to apply for a change of land use when the petitioner intends to undertake any development.
14. The 2nd respondent ought to have promptly rectified the admitted error by removing the land of the petitioner from the Brown Zone. However, the 2nd respondent's approach of taking no action in that regard is an attempt to pass the baton for rectification in the master plan to the 1st respondent.
15. The respondents appeared to have realised the admitted errors and have undertaken the exercise of revisiting the master plan – 2041 in its entirety vide memo dated 16.01.2025 issued by the 1st respondent. As admitted in the counter, the petitioner's request is also under active consideration. Considering the admissions on the part of the respondents, the petitioner has made out a prima facie case for the grant of relief as prayed for.
16. The prayer of the petitioner seeking to set aside the final and sanctioned master plan – 2041 vide GOMs.No.136, dated 18.11.2021, is already under active consideration in pursuance of Government Memo No.1455449/M2/2021, dated 16.01.2025 and constitution of a high-level technical committee on 23.06.2025 for further consideration on merits.

17. The respondents have admittedly erroneously shown the petitioner's property under the Brown Zone (Hills). The respondents also admit that there are no hills covering the said lands, which necessitated classification as Brown Zone (Hills). The respondents have rectified and classified Ac. 80.00 cents of land for residential use; however, they have not rectified the remaining Ac. 29.62 cents as a residential zone. Insofar as the petitioner's land in Sy.Nos. 162 and 164 are concerned that the respondents ought to have rectified the same and revised the master plan by deleting the petitioner's property from the Brown Zone (Hills), which ought to have been issued.
18. It is also not the case of the respondents that the concerned respondent has kept in view the topography of the area into consideration for notifying the area and land belonging to the petitioner as Brown Zone (Hills). In such circumstances, and in view of the admitted position of the respondents in unambiguous terms that the respondents have erroneously mentioned the land in Sy.Nos.47, 105, 162, 164, 165, 167 and 168 of Chinnipalem Village and Sy. No.29 of Datti Village as Brown Zone, the error committed by the respondents must be rectified for all purposes.
19. Now that the issue is under active consideration of the respondents in pursuance of the decision to revisit the master plan – 2041, and the petitioner had also submitted the objections for the same. It is the responsibility of the respondent authority to consider the objections of the petitioner and remove the petitioner's land from the Brown Zone (Hills) in a time-bound manner.

20. On these considerations, the writ petition is disposed off directing the respondents to pass appropriate orders rectifying the master plan – 2041 to the extent of the claim of the petitioner by removing the petitioner's land admeasuring Ac.15.00 in Sy. No.162, Ac.09.51 cents in Sy. No.164 in Chinnipalem Village, Kothavalasa Mandal, Vizianagaram District, within a period of 12 weeks from the date of receipt of this order. This direction would not preclude the respondent authorities from rectifying or modifying any other issues that deserve consideration for rectification or modification of the proposed master plan.

21. Accordingly, the writ petition is disposed off. No costs.

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

KGM

JUSTICE HARINATH.N

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION Nos.9575of 2022

Dated 23.01.2026

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