

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 7336 of 2015

ORDER:

The petitioner challenges the order dated 29.10.2014 passed by the 3rd respondent- Revenue Divisional Officer under the provisions of the A.P. Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 (for short, 'the Act'), refusing to accede to the request of the petitioner to convert his agricultural land in an extent of Ac.5-17 guntas in Survey No.250 of Pasumamula village, Hayatnagar mandal, Ranga Reddy district, for non agricultural purposes.

2. The petitioner's application was rejected on the ground that there is a rival claim made with regard to title and ownership of the property by a third party based on registered sale deeds bearing Nos.3493/1981 and 3494/1981 dated 12.05.1981.

3. The petitioner's counsel contends that the said sale deeds are forged and fabricated documents and no sale deeds were effected by the petitioner. He further contends that earlier the petitioner filed civil suit in O.S.No.2168 of 2007 on the file of Principal Senior Civil Judge, Ranga Reddy district against the persons who tried to interfere with his possession. Along with the suit, he filed I.A.No.532 of 2009 seeking injunction; and injunction was granted in his favour and the injunction was made absolute. When the defendants in the said suit challenged the injunction in CMA No.768 of 2009 on the file of X Additional District and Sessions Judge, Ranga Reddy district, the CMA was dismissed, thereby confirming the injunction. When the orders of injunction were confirmed by dismissing the CMA, the defendants filed CRP No.2335 of 2012 before this Court and this Court dismissed the CRP, thereby confirming the injunction in favour of the plaintiff i.e., the petitioner herein. However, the main suit is pending. It is the contention of the petitioner's counsel that the reason assigned by the respondent authorities in rejecting the petitioner's application is bad on account of the fact that pattadar passbooks and title deeds issued in favour of the petitioner itself is a proof positive with respect to his title and possession of the subject land. The counsel further states that the petitioner paid the conversion fee as stipulated under the Act.

3. Learned Assistant Government Pleader, by pointing out to Section 8 of the Act, submits that against the impugned order, there is an effective remedy of appeal available under the Act, and hence the petitioner may be relegated to avail the

remedy of appeal.

4. In view of the availability of remedy of appeal, any observations that may be made by this Court in this writ petition may prejudice the case of the petitioner. Therefore, without expressing any opinion, liberty is given to the petitioner to approach the appellate authority by filing an appeal within a period of two weeks from the date of receipt of a copy of this order. On such filing, the appellate authority shall take the appeal on file and pass orders, in accordance with law, within a period of six weeks from the date of filing of appeal.

5. Accordingly, the writ petition is disposed of. No costs.

Pending miscellaneous petitions shall stand closed, in consequence.

CHALLA KODANDA RAM, J

20th March, 2015

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