HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.18028 OF 2014

PC: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr.S.Niranjan Reddy, learned counsel for the petitioners and the learned Government Pleader for Revenue (TS) for respondents.

The petitioners pray for Mandamus declaring the action of respondents in seeking to initiate proceedings under the Andhra Pradesh Land (Conversion for Non-agricultural Purpose) Act, 2006 (for short '2006 Act') against the petitioners, as illegal, arbitrary and unconstitutional. The petitioners pray for consequential direction restraining the respondents from insisting on conversion charges or levy of penalty under 2006 Act from the petitioners.

The writ prayer though does not refer to proceeding or order through which any demand for payment of conversion charges is made, the petitioners refer to notice dated 18.10.2012 issued under Rule 8 of the Andhra Pradesh Land (Conversion for Non-agricultural Purpose) Rules, filed as one of the annexures.

The grievance against the said notice, it appears from the tenor of the writ affidavit, is that the property covered by the notice dated 18.10.2012 is converted much earlier to the enactment of 2006 Act and the levy of conversion tax under 2006 Act is impermissible.

This Court, through order dated 02.07.2014, restrained the respondents from taking coercive steps and on 09.07.2014, the order dated 02.07.2014 was directed to be continued for three weeks.

We have perused the material available on record and taken note of the submissions of learned counsel appearing for the parties. The grievance of petitioners rests upon the premise that the conversion of agriculture land into non-agriculture was anterior to 2006 and accordingly no conversion charges under 2006 Act need be paid. On the other hand, learned Government Pleader contends that the proceedings/permissions on which the petitioners rely upon to show that an educational institution was sanctioned could at best be administrative approvals for establishment of an institution and are not binding on the respondents for deciding the actual conversion of agriculture land to non-agriculture. According to him, the conversion of land from agricultural for non-agricultural purpose is determined with reference to time and actual construction of buildings etc. He further submits that the petitioners can certainly file reply before the respondents and the reply will be enquired into and appropriate orders are passed by the respondents. The learned counsel appearing for the parties admit that the question of applicability of 2006 Act to lands converted as non-agriculture lands anterior to 2006 is decided by this Court through order dated 28.08.2015 in W.A.No.702 of 2010 and batch and requires no reiteration.

Having regard to the above, we are satisfied the writ petition can be disposed of in the following terms:

> “a) The petitioners are granted six weeks time from today to make representation against notice dated 18.10.2012 and the 2nd respondent is directed to enquire into the issue of payment of conversion tax and pass appropriate orders in accordance with law, preferably within a period of eight weeks from the date of receipt of explanation; and
>
> b) the 2nd and 3rd respondents are directed not to take coercive steps pursuant to notice dated 18.10.2012 for a period of three months from today”.

The writ petition is, accordingly, disposed of.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

____

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 28.10.2015

Lrkm