

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

W.P.No.19240 of 2010

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

The subject matter of the present writ petition is the land covered by Sy.Nos.253/2 and 255/2 of Nagalapuram Road, Nagiri, Chittoor District.

The petitioner challenges notices dated 12.07.2010 and proceedings No.Roc.B/490/09 dated 09.10.2009 issued by respondent No.2. The case of petitioner is that the notices are illegal, issued without jurisdiction and even according to the view taken by this Court in W.A.No.702 of 2010 and batch dated 28.08.2015, the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 (for short '2006 Act') is not applicable to the facts and circumstances of the case, for, according to the petitioner, the petition land was converted into non-agricultural land much prior to the enactment of 2006 Act.

This Court, through common order dated 28.08.2015 in W.A.No.702 of 2010 and batch, has considered *inter alia* the applicability of 2006 Act to the areas covered by the A.P. Urban Areas (Development) Act, 1975. The relevant portion of the order reads as follows:

- a) It shall be competent for the Urban Development Authorities or the Local Authorities, as the case may be, to insist on submission of clearance/permission under the 2006 Act as a condition precedent for releasing of layouts, and
- b) the land has been put to non-agricultural use before the 2006 Act came into force, such clearance/permission shall not be insisted.
- c) Conversion of land into Non-agricultural

use under the provisions of Act 3 of 2006 is necessary even if the land is covered by Master Plan and sanction of layout by the Development Authority under the provisions of Act 1 of 1975.

Having regard to the view taken by this Court, we are satisfied that the writ petition can be disposed of with the following order:

“The petitioner is given four weeks time from the date of receipt of a copy of this order to file representation against the impugned notice/proceedings before the 2nd respondent and the 2nd respondent is directed to consider the factual and legal objections of petitioner bearing in mind the view taken by this Court in the batch of cases and dispose of the same within a further period of six weeks therefrom”.

If the petitioner is aggrieved by the ultimate decision of the 2nd respondent, it is needless to observe that the petitioner is free to pursue the legal remedies available in law.

The writ petition is, accordingly, disposed of. No costs.

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

BHOSALE, ACJ

DILIP B.

S.V.BHATT,

J

Date: 05.10.2015

Lrkm