

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V.BHATT

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W.P. No.8767 OF 2014

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

Heard Mr.Challa Gunaranjan, learned counsel for the petitioner and the learned Government Pleader for Revenue (A.P.).

The petitioner prays for the following relief:

“...to pass an order or orders or direction more particularly one in the nature of a writ of mandamus declaring the action of the respondents applying the provisions of The A.P. Agricultural Land (Conversion for Non Agricultural Purpose) Act, 2006 and rules made thereunder to the petitioner's lands purchased from APIIC as without jurisdiction and ultravires the powers vested under the A.P. Agricultural Land (Conversion for Non Agricultural Purpose) Act, 2006 and alternatively fixing the Conversion Fee for conversion of Agriculture lands to Non-agricultural purpose purported to be in exercise of powers vested under Section 4 of the A.P. Agricultural Land (Conversion for Non Agricultural Purpose) Act, 2006 (herein after referred to as the Act) as arbitrary, illegal and contrary to the provisions of A.P. Agricultural Land (Conversion for Non Agricultural Purpose) Act, 2006 and Rules made there under besides violating the petitioner's rights guaranteed under Articles 14, 19(1) (g) & 300A of Constitution of India and consequentially to set aside the letter Rc B2.3931/07 dt. 20.8.2013 issued by the 3rd respondent and further the distraint order vide RCB/19/2014 dt.16.01.2014 issued by the 4th respondent..”

The grievance of petitioner is that the impugned proceeding is illegal and without jurisdiction. It is the case of petitioner that having regard to the nature of transfer in favour of petitioner, namely, from/through APIIC, the petitioner is not under obligation to pay conversion fee under A.P. Agricultural Land (Conversion for Non-Agricultural Purpose) Act, 2006 and therefore the very levy and demand are unsustainable.

Learned counsel for the petitioner submits that on 19.07.2012, a detailed

representation was made to the 3rd respondent and the representation is not disposed of by the 3rd respondent till date. The petitioner is satisfied if appropriate directions are issued to the Revenue Divisional Officer/3rd respondent to consider and dispose of representation dated 19.07.2012 expeditiously instead of considering the substantive prayer in the writ petition.

Learned Government Pleader for Revenue consents for disposal of the writ petition by directing the 3rd respondent to consider and dispose of representation dated 19.07.2012 within eight weeks from the date of receipt of a copy of this order.

Having regard to the limited submissions, we are satisfied that the writ petition can be disposed of by the following order:

- a. The petitioner is given liberty to re-submit representation dated 19.07.2012 along with a copy of this order within four weeks from today to the 3rd respondent.
- b. The 3rd respondent on receipt of the representation, considers the grievance in accordance with A.P. Agricultural Land (Conversion for Non-Agricultural Purpose) Act, 2006 and passes appropriate orders and communicates the order to the petitioner, within six weeks thereafter.

The writ petition is disposed of. No costs.

Consequently, miscellaneous petitions, if any pending, also stand disposed of. No costs.

DILIP B.BHOSALE, ACJ

S.V.BHATT,

Date: 06.10.2015

Stp

