

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.38953 of 2015

Dated 03rd December, 2015

Between:

Kasnaboina Srinu and others

...Petitioners

And

The State of Telangana, rep.by its Principal Secretary, Municipal Administration & Urban Development, Secretariat, Hyderabad and others

...Respondents

Counsel for the petitioners: Sri A.Prabhakar Rao

Counsel for respondent No.1: AGP for Municipal Administration (TS)

Counsel for respondent Nos.3 & 5: AGP for Revenue (TS)

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to declare the action of respondent No.2 in rejecting the petitioners' application for sanction of layout in respect of lands in Survey No.281/7, admeasuring Ac.1.09 guntas, of Gummuduru Village, Mahabubabad Mandal, Warangal District as illegal and arbitrary.

The petitioners claim that they have purchased the above-mentioned agricultural land under separate sale deeds, dated 18.09.2014. As different pieces of land purchased by them constitute one contiguous piece, they have applied to respondent No.3 for conversion of land use from agriculture to non-agriculture. As no decision on the said applications is taken, the petitioners have filed

W.P.Nos.21071, 21095, 21063 and 21111 of 2015 to declare the action of respondent No.3 in not considering their applications for conversion. By separate orders passed on 09.07.2015, this Court has directed respondent No.3 to consider the petitioners' applications on merits and pass appropriate orders within a period of two months from the date of receipt of a copy of the order.

The petitioners averred that though the orders were served on respondent No.3 on 17.07.2015, their applications were not being disposed of. The petitioners sought to make an application before respondent No.2 for approval of layout by invoking proviso to sub-section (6) of Section 3 of the A.P.Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 (for short 'the Act') which provides for deemed permission in the event of non-disposal of application for conversion within the prescribed period of sixty days and requested respondent No.2 to entertain the application on the strength of the said deemed permission.

Complaining that respondent No.2 has refused to receive the said application as they failed to enclose the conversion certificate, the petitioners filed this writ petition.

I have heard Sri A.Prabhakar Rao, learned counsel for the petitioners, and perused the record.

Though the Act contains a deemed provision, the petitioners have not invoked the same at the earliest. On the contrary, they have approached this Court by way of four writ petitions referred to above for a mandamus to declare the inaction of respondent No.3 in disposing of their applications for conversion. Having invited this Court's intervention with a peremptory direction to consider the petitioners' applications on merits and pass appropriate orders within two months, the petitioners have virtually abandoned that course of action and resorted to filing the present writ petition by raising the plea of deemed permission. Having succeeded in the previous round in obtaining a direction from this Court against respondent No.3, I do not see any

reason for the petitioners not to enforce the orders of this Court and obtain conversion certificates. I am, therefore, of the opinion that the petitioners have ventured into a wrong line of litigation by seeking to press their claim on deemed permission instead of enforcing the orders of this Court and force respondent No.3 to take a decision on their applications for conversion on merits. Therefore, this Court is not prepared to direct respondent No.3 to receive the applications on the legal fiction of the deemed permission when the petitioners have every opportunity of securing conversion permission itself from respondent No.3 by getting the orders passed by this Court enforced.

In this view of the matter, I am not inclined to entertain this writ petition and the same is accordingly dismissed. Liberty is, however, given to the petitioners to avail appropriate legal remedy for enforcement of orders, dated 09.07.2015, in W.P.Nos.21071, 21095, 21063 and 21111 of 2015.

As a sequel to dismissal of the writ petition, WP.M.P.No.50201 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

03rd December, 2015
VGB