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

WRIT PETITION Nos.25627 of 2006, 9591 of 2008, 12972 of 2009, 20975 of 2010, 3022, 8744, 12148, 20566, 23848, 2356 and 23988 of 2011, 10602, 20960, 22708, 25847 of 2012, 12802 and 23884 of 2013

Dt:09.12.2015

Between:

Chivukula Subbalakshmi.

... Petitioner

And

The Government of A.P. and others.

... Respondents

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

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COMMON ORDER: (per the Hon'ble Sri Justice S.V.Bhatt)

Heard learned counsel appearing for the petitioners in this batch of writ petitions, learned Government Pleader and the learned standing counsel appearing for the Urban Development Authority.

The petitioners in this batch of writ petitions challenge the condition to get No Objection Certificate (NOC) imposed by the Urban Development Authority and/or the applicability of the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 to the areas covered by the A.P. Urban Areas (Development) Act, 1975.

This Court, through common order dated 28.08.2015, has considered similar issue in W.A.No.702 of 2010 and batch and confirmed the common order dated 28.04.2010 in W.P.No.26688 of 2007 and batch passed by a learned Single Judge. The relevant portion of the order dated 28.08.2015 reads thus:

> "The Urban Development Authority construing strictly gets jurisdiction to entertain an application for which conversation tax is paid under Act 3 of 2006 and the NOC can be justified by this reason as well. The insistence at best can be treated as a concomitant and the authorities can certainly insist upon NOC from applicant for processing the application made under Section 14 of Act 1 of 1975. For the view taken on questions (i), (ii) and (iii), no exception could be found against the impugned common order dated 28.04.2010. For the reason stated above, the appeals are without merit and accordingly dismissed."

Through our order dated 28.08.2015 in W.A.No.702 of 2010 and batch, we have confirmed the common order dated 28.04.2010 in W.P.No.26688 of 2007 and batch and have disposed of the batch 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.

The learned counsel appearing for all the parties admit that the batch of writ petitions is covered by the common order dated 28.08.2015 and the writ petitions are accordingly disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of. There shall be no order as to costs.

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DILIP B. BHOSALE, ACJ

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S.V. BHATT, J

Dt:09.12.2015
kdl