

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.5381 OF 2012

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

Heard learned Senior Counsel Sri Ghanta Rama Rao for the petitioner and Sri Bhaskar Reddy, learned Government Pleader for Revenue (TS) for respondents.

The petitioner prays for Mandamus declaring the action of respondents in levying penalty under Section 6 of the Andhra Pradesh Agricultural (Conversion for Non-Agricultural Purposes) Act, 2006, without prior notice, as illegal and unconstitutional and consequently prays for consideration of the representation dated 25.02.2012 submitted by the petitioner.

At the time of hearing, learned counsel for the parties submit that the decision of the Court in W.A.No.702 of 2010 and batch dated 28.06.2015 covers one of the objections raised in the writ petition and the relevant portion of the order reads thus

- 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 above view, the learned counsel appearing for the parties submit that the Revenue Divisional Officer/respondent No.1 should be directed to consider the representation dated 25.02.2012 and pass appropriate orders in accordance law.

We are satisfied that the writ petition can be disposed of by this order:

“The petitioner shall, within three weeks from the date of receipt of a copy of this order, bring to the notice of 1st respondent the instant order and enclose a copy of the representation dated 25.02.2012 for expeditious decision by the 1st respondent. On such information/copy of representation, the 1st respondent is directed to examine and pass orders in accordance with law. The interim order granted on 28.02.2012 shall remain in force till the 1st respondent considers and disposes of the representation dated 25.02.2012 and communicates the decision to the petitioner”.

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

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

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 27.10.2015

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