

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.460 of 2014

ORDER:

This writ petition challenges the proceedings No.B/507/2013, dated 27-12-2013 issued by the Deputy Collector and Tahsildar, Quthbullapur Mandal – third respondent herein.

By virtue of the impugned proceedings third respondent herein demanded the petitioner herein to pay a sum of Rs.1,22,32,500/- being the conversion charges in respect of lands in Sy.Nos.772 to 776 of Bowrampet village, Quthbullapur mandal, Ranga Reddy District.

Heard Sri G. Bhaskar, learned counsel for the petitioner and learned Government Pleader for Revenue for respondents apart from perusing the material available before this Court.

The principal contentions of the learned counsel for the petitioner are that the impugned demand is without jurisdiction and violative of principles of natural justice and that the impugned notice was not preceded by any show cause notice.

On the other hand, it is vehemently contended by the learned Government Pleader for Revenue that the present writ petition is not maintainable in view of availability of alternative remedy to the petitioner before the Appellate authority.

As per Section 8 of the A.P. Agricultural Land (Conversion

For Non-Agricultural Purposes) Act, 2006 r/w. Rule 9 of the A.P. Agricultural Land (Conversion For Non-Agricultural Purposes) Rules, 2006 any person aggrieved by an order of the Revenue Divisional Officer may file an appeal before the Collector within sixty days of receipt of such order by the applicant.

The present writ petition has been filed before this Court directly without exhausting the said efficacious alternative remedy of appeal. It is a settled and well established proposition of law that when an effective alternative remedy is available, invocation of extraordinary jurisdiction of this Court under Article 226 of Constitution of India is impermissible. Therefore, this Court is inclined to relegate the petitioner to the said alternative remedy.

In view of the above reason, this Court does not propose to go into various contentions raised by learned counsel for the petitioner and learned Government Pleader. However, it is open for the parties to raise all the issues including non-adherence to the principles of natural justice and retrospective operation of the statute before the appellate authority.

For the aforesaid reasons, the writ petition is disposed, of directing the petitioner to file appeal and also a stay application before the District Collector within two (2) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

If any such appeal is filed within time stipulated so, the District Collector shall pass appropriate orders on the same within

a period of one month thereafter after giving notice to the parties and after giving opportunity of personal hearing to all the stake holders.

It is also made clear that if no such appeal is filed by the petitioner within the time stipulated supra, the respondents are at liberty to proceed, in accordance with law. Till filing of appeal and stay application within the time stipulated above, there shall be no further coercive action against the petitioner.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SETHA SAI, J

March 02, 2015

*Note: Furnish C.C. in
three days. B/o.PN*

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