

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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Writ Petition No.7726 of 2015

ORDER:

The petitioner challenges the endorsement dated 16.01.2015, issued by the 4th respondent rejecting the application made by the petitioner seeking conversion of agricultural land in survey No.1035/2A of Basinikonda Village, Madanapalle Revenue Mandal, Chittoor District, into non-agricultural purpose.

On 25.03.2015, when the matter came up for admission, learned Government Pleader for Revenue (A.P.) was directed to ascertain in terms of Section 5 of the Andhra Pradesh Agricultural Land (Conversion for Non-agricultural Purposes) Act, 2006, whether any other Officer other than the Revenue Divisional Officer, was entrusted with the functions to be discharged by the Revenue Divisional Officer by issuing any notification.

Today, learned Government Pleader, on instructions, submits that no notification was issued delegating the powers of the Revenue Divisional Officer in favour of any other Officer.

It is appropriate to reproduce Section 5 of the Act as under:

“Authority competent to convert agricultural land for non-agricultural purpose: The Revenue Divisional Officer or any officer to be notified by the Government in this behalf shall be competent to order, in respect of the lands situated within his territorial jurisdiction, conversion of land use from agricultural purpose to non-agricultural purpose.”

From the above, it is clear that the Tahasildar is not the competent authority either to grant permission or to reject the application for conversion of agricultural

land into non-agricultural purposes. Therefore, the order passed by the Tahasildar, by way of endorsement, on 16.01.2015, is totally unsustainable, on account of lack of jurisdiction.

In that view of the matter, the writ petition is allowed and the impugned order is set aside directing the 3rd respondent – Revenue Divisional Officer, to consider the application of the petitioner and pass appropriate orders in accordance with law within a period of eight (8) weeks from today. There shall be no order as to costs.

The miscellaneous petitions filed in this writ petition shall also stand disposed of.

CHALLA KODANDA RAM, J.

Date:06.04.2015

GJ