

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.8837 OF 2014

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

Heard Mr.Tarun G. Reddy, learned counsel for the petitioners and learned Government Pleader for Revenue (TS) for respondents.

The petitioners pray for Mandamus declaring the action of 2nd respondent in issuing show cause notice in File No.L/15555/2013-9 dated 31.01.2014 under the Andhra Pradesh Land (Conversion for Non-agricultural Purpose) Act, 2006 (for short '2006 Act') against petitioners, as illegal, arbitrary and unconstitutional. The petitioners pray for consequential direction to respondents not to demand conversion charges or levy of penalty under 2006 Act from the petitioners.

The grievance against the said notice, it appears from the tenor of the writ affidavit, is that the property covered by the notice dated 31.01.2014 is converted much earlier to the enactment of 2006 Act and the levy of conversion tax under 2006 Act is impermissible.

On 01.07.2014, this Court, while admitting the writ petition, suspended the show cause notice.

We have perused the material available on record and taken note of the submissions of learned counsel appearing for the parties.

The grievance of petitioners rests upon the premise that the conversion of subject land was anterior to 2006 and accordingly no conversion charges under 2006 Act need be paid. On the other hand, learned Government Pleader contends that the

proceedings/permissions on which the petitioners rely upon to evidence that an educational institution was sanctioned could at best be administrative approvals and are not binding

on the respondents. According to him, the conversion of land from agricultural for non-agricultural purpose is determined with reference to time and actual construction of buildings etc., on the subject land.

He further submits that the petitioners can certainly file reply before the respondents and the reply will be enquired into and appropriate orders are passed by the respondents. The learned counsel appearing for the parties admit that the question of applicability of 2006 Act to lands already converted by the time 2006 Act came into force is decided by this Court through order dated 28.08.2015 in W.A.No.702 of 2010 and batch and requires no reiteration. Further, such consideration or decision is dependant on the facts brought before the authority.

Having regard to the above, we are satisfied the writ petition can be disposed of in the following terms:

- “a) The petitioners are granted six weeks time from today to make representation against notice dated 31.01.2014 and the 2nd respondent is directed to enquire into the issue of payment of conversion tax and pass appropriate orders in accordance with law, preferably within a period of eight weeks from the date of receipt of explanation; and
- b) the interim order granted earlier shall remain in force for a period of three months from today”.

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: 28.10.2015

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