

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 40678 of 2014

DATE: 22.01.2015

Between:

Alahari Venkata Laxmiramana
and two others

.. Petitioners

And

1. The State of A.P.
2. The District Collector
3. The Revenue Divisional Officer

.. Respondents

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ORDER:-

The petitioners assert that they are owners of certain extents of lands in Sy.No.59/4D situated in Rajavolu village, Rajanagaram Mandal, East Godavari District. While so, it is stated that the 1st petitioner's sister, Ramineedu Saraswathi, who had Ac.01.00 cents of land in the same survey number, sold away her land to one Veera Venkata Laxmi kumari by executing a Gift deed and the same was subsequently converted into non-agricultural land by the revenue authorities. The petitioners state that they submitted an application dated 20.03.2013 along with all required documents requesting for conversion of their lands for non-agricultural purpose and also paid requisite conversion fees. Now, the petitioners' grievance is that even though they made representation dated 20.03.2013 with relevant documents, the 3rd respondent-Revenue Divisional Officer, vide Endorsement dated 11.09.2014, rejected their representation without assigning any reasons. Hence, the present writ petition is filed seeking appropriate directions.

Heard the learned counsel for both the parties and perused the material placed on record.

Section 3 of the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 (for brevity "the Act") reads as under:

"Land Use Conversion:- (1) No agricultural land in the State shall be put to non-agricultural purposes, without the prior permission of the

Competent authority.

- (2) An application for such conversion of the agricultural land for non-agricultural purposes shall be made before the competent authority in the form prescribed along with conversion fee as specified under Section 4.
- (3) If the conversion fee so paid as per sub-section (2) is found to be less than the fee prescribed under Section 4, a notice shall be issued by the competent authority to the applicant within 30 days of the receipt of application intimating him the deficit amount.
- (4) The applicant shall pay the deficit amount indicated in the notice issued under sub-section (3) within fifteen days of the receipt of such notice.
- (5) In case no intimation is received by the applicant within 30 days about the deficit payment of conversion fees, it shall be deemed that the amount paid is sufficient for the purpose.
- (6) The conversion permission requested for shall either be issued, rejected in full or part by the competent authority within sixty days after such request is received in the office of the competent authority or within thirty days after the receipt of the deficit amount as the case may be, provided that such requests are rejected, the reasons for such rejection shall be recorded in writing and communicated to the applicant.

Provided that if no order is passed on such request, within the time prescribed in sub-section (6), the required permission shall be deemed to have been given.

The communication received by the petitioners from the competent authority, vide Endorsement dated 11.09.2014, discloses as under:

“Your application dated 20/03/2013 for Land Conversion was examined. After enquiry, your request is not considered due to the following reasons and hence rejected.

Reasons: Required document not produced and the proposals are not in consistence with Acts and Rules, hence rejected.”

No doubt, the provision of law clearly stipulates certain formalities required to be complied with by an individual who seeks conversion of land for non-agricultural purpose, but as seen from the impugned Endorsement, it does not reflect what

nature of documents as specified under the Act, the petitioners have failed to produce nor does it specify any reasons for rejection of their application. As the communication sent by the competent authority is vague, the same is not in consistent with law, as such, it is liable to be set aside.

Hence, the Endorsement dated 11.09.2014 is set aside, however the 3rd respondent-Revenue Divisional Officer-cum-competent authority, is hereby directed to communicate the petitioners the nature of documents to be furnished and other legal formalities to be complied with for consideration of their proposals for conversion of their lands for non-agricultural purpose after giving them a fair opportunity to rectify the defects if any found in their application dated 20.03.2013, and then pass appropriate orders in accordance with law.

With the above direction, the writ petition is disposed of.
No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

22.01.2015

bcj