

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.7713 of 2015

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Between:

1. Siriga Sandhya Rani and others.

PETITIONERS

AND

1. State of Andhra Pradesh, rep. by its Principal Secretary,
Revenue Department, Secretariat, Hyderabad, , and others.

RESPONDENTS

ORDER:

The petitioners claim to be the owners of the property in Sy.No.224 to an extent of Ac.6.84 cents of Thalaupuru Village, Atmakur Mandal, Ananthapur District, having purchased the same through registered sale deeds dated 17.09.2011 and 22.10.2011. While so, the 5th respondent, stating that he has purchased the property through sale deed dated 30.01.2015, submitted an application to the 3rd respondent, who is the competent authority under the A.P. Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 (for short 'the Act'), seeking conversion of the agricultural land for non-agricultural purposes. On coming to know about the said application, the petitioners claim to have filed objections on 11.03.2015 before the 3rd respondent informing him that the sale deed dated 30.01.2015 submitted by the 5th respondent is subsequent to the sale deeds of the petitioners and that there is no valid title in favour of the 5th respondent in view of the fact that the petitioners became the owners of the said property in 2011 itself. The apprehension of the petitioners is that the 3rd respondent may sanction conversion permission without considering the objections raised by them. Hence they approached this Court by way of this writ petition.

Heard learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (A.P.) for respondents.

It is appropriate to refer the definition of 'Owner' under the Act. Section 2(m) of the Act defines "Owner", which reads as under:

Section 2(m) – 'Owner' includes any person for the time being receiving or entitled to receive, whether on his own account, or as agent, trustee, guardian, manager or receiver, for another person, or for any religious, educational or charitable purpose, rent or

profits for the agricultural lands or for the structure constructed on such land and includes in respect of the lands that have been leased out by the State Government or the Central Government.

- (i) A lessee, if the land has been leased out by the Government for any non-agricultural purpose; and
- (ii) A local authority, if the land is vested in the local authority and used for any non-agricultural purpose deriving income therefrom.”

It is obvious from the above definition and the scheme of the Act that only the owner, who is satisfying the description as set out in Section 2(m), alone is entitled to make an application seeking conversion of agricultural land into non-agricultural land. It is built in the very scheme of the Act that the competent authority, prima facie, after satisfying with the ownership and title of the applicant seeking conversion, consider the objections filed under Sections 3 & 4 of the Act r/w Rule 4 of the Rules, if any, from any other interested parties. In the event of there being a cloud with respect to the title, the conversion application cannot be considered.

However, in the case on hand, the claim of the petitioners that they became owners of the property in 2011 and the 5th respondent became owner in 2015, is a matter required to be considered and dealt with by the 3rd respondent-competent authority under the Act.

In that view of the matter, the writ petition is disposed of directing the 3rd respondent to consider the objections filed by the petitioners while dealing with the application said to have been made by the 5th respondent for conversion of agricultural land in Sy.No.224 of Thalapur Village, Athamakur Mandal, Ananthapur District, for non-agricultural purpose. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

25th March, 2015
Js.

