

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.36100 OF 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare the endorsement dated 19.09.2016 made by the 2nd respondent rejecting the application of the petitioner dated 15.06.2016 for conversion of the land in survey Nos.786A and 785 admeasuring Acs.1.60 and Acs.1.06 respectively situated at Lakshmipuram Village, Kallur Mandal, Kurnool District, under the provisions of A.P. Agricultural Land (Conversion for Non-agricultural Purposes) Act, 2006 (for short 'the Act') as illegal and arbitrary.

Heard the learned counsel for the petitioner as well as the learned Assistant Government Pleader for Revenue for respondents. With their consent, the writ petition is disposed of at the stage of admission itself.

The petitioner claims to be a registered firm engaged in the business of real estates. It has purchased subject lands under registered sale deeds bearing Nos.4732 and 4734 of 2016 dated 14.06.2016 respectively and is in possession of the same. On 15.06.2016, the petitioner made an application before the 2nd respondent under the provisions of the Act, for land conversion, which was rejected basing on a report of Tahasildar endorsing that the said land is an objectionable land. Said action is the subject matter of challenge in this writ petition.

The learned counsel for the petitioner mainly submits that no reasons are assigned as to why the request of the petitioner was rejected. He further submits that it may be not possible for the petitioner to challenge the impugned endorsement in the absence of any specific reason and as such the order under challenge warrants interference.

Learned AGP opposes the same.

For better adjudication of the matter, the impugned endorsement is hereby extracted:

“ Your application dated **15.06.2016** for **LAND CONVERSION** was examined. After enquiry your request is not considered due to the following reasons and hence rejected.

REASONS: As per the remarks of the Tahasildar, Kallur the proposed land is a objectionable land hence the application is rejected.”

From a reading of the above, it is evident that no reasons are assigned by the RDO for rejecting the request of the petitioner except stating “as per the remarks made by the Tahasildar concerned, the proposed land is an objectionable land”.

It is not in dispute that the impugned endorsement dated 19.09.2016 rejecting the request of the petitioner for land conversion is bereft of any reason. Hence, the same is liable to be set aside.

Accordingly, the writ petition is allowed setting aside the impugned endorsement dated 19.09.2016 and the matter is remitted back to the 2nd respondent-Revenue Divisional Officer, Kallur, Kurnool District, directing him to pass orders afresh

assigning reasons within a period of two months from the date of receipt of a copy of this order. It is needless to mention that before passing the orders, the petitioner shall be given reasonable opportunity of hearing.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

C. PRAVEEN KUMAR, J

Date: 15.11.2016
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