

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.20907 OF 2016

ORDER:

This Writ Petition is filed seeking to declare the notice, dated 02.01.2015, issued by respondent No.4 – Tahsildar, Parawada Mandal, and the consequential Dstraint Order, dated 06.01.2016, as illegal and arbitrary.

The case of the petitioner is that respondent No.4 issued notice, dated 02.01.2015, under the provisions of the A.P. Agricultural Land (Conversion for Non-agricultural Purposes) Act, 2006 (for short, 'the Act'), and he filed an explanation to the same, but without passing any final orders on the same, straightaway Dstraint Order, dated 06.01.2016, is passed under Section 8 of the A.P. Revenue Recovery Act, 1864. Aggrieved by the notice, dated 02.01.2015 and Dstraint Order, dated 06.01.2016, the present Writ Petition is filed.

Sri O. Manohar Reddy, learned counsel for the petitioner, submits that without passing any final orders pursuant to the notice, dated 02.01.2015, though explanation is filed by the petitioner, straightaway orders under the provisions of the A.P. Revenue Recovery Act are passed. He further submits that notice, dated 02.01.2015, is issued without conducting any enquiry and the same is not in accordance with law. He further submits

that respondent No.4 is not competent to issue the notice and it is the Revenue Divisional Officer, who is competent to issue the notice.

Learned Assistant Government Pleader for Revenue submits that pursuant to the notice, dated 02.01.2015, no final orders are passed and the petitioner paid an amount of Rs.4,00,000/-. He also does not dispute that Tahsildar is not competent to issue the notice.

The written instructions produced by the learned Assistant Government Pleader also do not show that any final order is passed pursuant to the notice, dated 02.01.2015.

Since the notice, dated 02.01.2015, issued by the Tahsildar is without any jurisdiction, the same is set aside. Further, as there is no determination of amount by the competent authority under the provisions of the Act, Dstraint Order, dated 06.01.2016, issued under the provisions of the A.P. Revenue Recovery Act, is also set aside. However, this order will not preclude the competent authority from issuing fresh notice to the petitioner for taking further action.

Subject to the above, the Writ Petition is allowed. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

REDDY, J

July 12, 2016
MD

A. RAJASHEKER