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THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.29162 of 2012

ORDER::

The petitioner assails the show cause notice dated 17-07-2012 issued by the 1st respondent-Tahsildar, Jinnaram Mandal, Medak District, whereby and whereunder the petitioner was called upon to pay an amount of Rs.2,17,500/- towards land conversion chargers and penalty on the ground that agricultural land in an extent of Ac.4-14 guntas in Sy.No.258 situated at Bonthapalli Village, Jinnaram Mandal, Medak District has been put to non-agricultural use without obtaining any permission, as required under Section 3 of the Andhra Pradesh Agriculture Land (Conversion for Non-Agricultural purposes) Act, 2006.

2. The case of the petitioner is that having diversified into the business of manufacturing steel forgings, to establish a factory, he had purchased Ac.7-17 guntas of land in Bonthapalli Village, Jinnaram Mandal, Medak District in the year 1982 and accordingly made application to the 3rd respondent-Collector, Medak District, for permission to use the said land for non agricultural purposes. That 2nd respondent-Joint Collector, acting on behalf of the 3rd

respondent, had issued proceedings dated 15-09-1983 granting permission to use the said land for non-agricultural purpose under Section 61 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli, and on obtaining permission, the petitioner constructed factory and carrying on manufacturing activity from 1983.

3. The contention of the petitioner's counsel is that when once conversion of the land from agricultural to non-agricultural use had already taken place, the question of further conversion under the subsequent enactment *i.e.* Andhra Pradesh Agriculture Land (Conversion for Non-Agricultural purposes) Act, 2006, does not arise as the subsequent enactment is not made applicable retrospectively nor does it affects the events and actions which had already taken place. Learned counsel stated that even otherwise, the competent authority to initiate proceedings, if any, under the subsequent enactment is Revenue Divisional Officer, and therefore the impugned proceeding initiated by the 1st respondent-Tahsildar is without jurisdiction.

4. The writ petition is admitted as long back as on 17-09-2012 and interim order was granted staying the impugned proceedings. Counter is not filed in this case by the

respondents. No proceeding or notification is placed before this Court to demonstrate that 1st respondent is competent to initiate the impugned proceedings under the Andhra Pradesh Agriculture Land (Conversion for Non-Agricultural purposes) Act, 2006. In view of the same, the impugned order dated 17-07-2012 passed by the 1st respondent is set aside only on the ground of lack of jurisdiction to initiate the proceedings.

However, this order will not preclude the competent authority to initiate proceedings under the subsequent enactment, if so advised.

5. In the result, the writ petition is allowed. Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

REDDY, J

A.RAJASHEKER

Dated : 18-03-2016
NRG

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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