

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.27334 OF 2016

ORDER :

This writ petition is filed against proceedings No.AP 02 43671017, dated 09.05.2016 issued by the 3rd respondent, wherein the application of the petitioner for conversion of land from agriculture to non agriculture in S.No.582-2 of Tarlapadu Village, was rejected on the ground W.P.No.40721 of 2015 is pending.

Heard learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue.

Learned counsel for the petitioner submits that the W.P.No.40721 of 2015 is only for protecting the Dandubata road and that there is no interim orders are granted in the said writ petition. He further submits that pendency of writ petition cannot be a ground for rejection of application of the petitioner.

The prayer in W.P.No.40721 of 2015 reads as follows:

"It is therefore prayed that this Hon'ble Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in not protecting the Dandubata Road by the 5th respondent which is allotted land by the ancient formers/petitioners in the Registered Documents to travel from Tarlapadu Beedu to Gollavarikunta (Kurra vadikunta) to Chennareddypalli Via. Tummalacheruvu Road (Dandubata) 30' fts wide road, is illegal, arbitrary and malafide, consequently direct the respondents to protect the Dandubata Road from Tarlapadu Beedu to Gollavarikunta (Kurra vadikunta) to Chennareddypally via. Tummalacheruvu Road 30' Fts wide road, and pass such other order or orders as this Hon'ble Court deem fit and proper.

It is further prayed that this Hon'ble Court may be pleased to direct the respondents to consider the representation submitted by the petitioners dt.14-09-2015 for protection of Dandubata Road from Tarlapadu Beedu to Gollavarikunta (Kurra vadikunta) to Chennareddypalli Via. Tummalacheruvu Road (Dandubata) 30' Fts wide road from 5th respondent's land in Sy.No.582/2 and connected link documents, pending disposal of the writ petition, and pass such other order or orders as this Hon'ble Court deem fit and proper."

Rejection order does not show any interim order was granted in

the above writ petition. As such, the impugned order passed by the 3rd respondent rejecting the application of the petitioner dated 27.10.2015 is without application of mind and the same is hereby set aside. The competent authority is directed to reconsider the application of the petitioner dated 27.10.2015 in accordance with law. However, any permission granted by the competent authority will always be subject to further orders in the writ petition i.e., W.P.No.40721 of 2015.

Accordingly, this writ petition is allowed to the extent indicated above.

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

19.08.2016
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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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