

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.27655 OF 2017

Dated:21.08.2017

Between:

R. Rama Krishna Reddy,
S/o. Late R. Gonvida Reddy,
Aged about 67 years,
R/o.D.No.4-7-12/2, Opp: Mahila
Polytechnic College, Guddam,
Hindupur, Anantapur District .. Petitioner

And

State of Andhra Pradesh, rep., by its
Principal Secretary, Revenue Department,
Secretariat, Velagapudi, Amaravati,
Guntur District and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.27655 OF 2017****ORDER:**

Petitioner claims that he is the owner and possessor of the land to an extent of Acs.11.69 cents in Survey No.250 of Gollapuram Village, Hindupur Mandal, Anantapur District. He submitted application dated 27.07.2017 before the Tahsildar, Hindupur Mandal, Anantapur District, the 4th respondent, for conversion of the said land from agriculture to non-agriculture purpose under the provisions of the Andhra Pradesh Agricultural Land (Conversion for Non-agricultural Purposes) Act, 2006 (for short, 'the Act'). The 4th respondent, vide his endorsement dated 05.08.2017, rejected the request of the petitioner holding that the land is included in the prohibitory list of properties under Section 22-A (i)(e) of the Registration Act, 1908 and therefore no such permission can be granted to him.

2. Learned counsel for the petitioner sought to make contentions on merits with regard to the decision of the 4th respondent.

3. However, according to the provisions of the Act, the Revenue Divisional Officer is the competent authority to process the application for conversion of the land under the Act and to grant such permission. Against such decision, appeal shall lie to the District Collector under Section 8 of the Act. Thus, the Tahsildar is not competent to pass orders. Both the petitioner as well as the Tahsildar committed error in processing the issue under the Act.

Having regard to the statutory mandate, the entire exercise is a nullity.

4. Having regard to the same, the Writ Petition is disposed of granting liberty to the petitioner to file an application before the Revenue Divisional Officer under the provisions of the Act. It is needless to observe that as and when such application is filed by the petitioner, the Revenue Divisional Officer shall consider the same in accordance with the provisions of the Act. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

Date:21.08.2017

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P. NAVEEN RAO, J

