

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4771 OF 2017

ORDER:

The case of the petitioner is that he is the owner of land to an extent of Ac.4.38 cents in Survey No.627-6, of Rapthadu Village and Mandal, Anantapuram District, and applied for conversion of the said land from agriculture to non agriculture purpose. As the same was rejected by the 3rd respondent vide proceedings dated 03.02.2017, present writ petition is filed.

Learned counsel for the petitioner submits that the subject land is not a Government land and that when the Sub Registrar insisted for grant of No Objection Certificate for registration of the said land, petitioner filed WP.No.2334 of 2012 and this Court allowed the said writ petition by order dated 26.09.2012. He also submits that the Tahasildar also issued letter dated 26.03.2016 stating that the subject land belongs to Ex-service man, and as such, it is not a Government land. Learned counsel also submits that without issuing any notice to the petitioner, the application of the petitioner was rejected.

A perusal of the impugned rejection order goes to show that the same was issued without issuing any notice to the petitioner which is in violation of principles of natural justice. Only on the ground of violation of principles of natural

justice, the impugned rejection order dated 03.02.2017 passed by the 3rd respondent is set aside and the 3rd respondent is directed to reconsider the application of the petitioner after issuing notice and after giving opportunity of hearing to the petitioner. On such notice it is open for the petitioner to place all the relevant material before the 3rd respondent and thereafter the 3rd respondent shall pass appropriate orders, in accordance with law.

With the above direction, the writ petition is disposed of.
No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending, shall stand closed.

13.02.2017
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**A.RAJASHEKER REDDY, J**