

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.27977 OF 2017

Dated:22.08.2017

Between:

Smt. Kalidindi Venkata Rajeswari,
W/o. Late Raghava Raju, Aged
86 years, R/o. Undi Village and
Mandal, West Godavari District and another .. Petitioners

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:

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ORDER:

The 1st petitioner claims that she owns an extent of Ac.2.09 cents in R.S.No.857/3 in Undi Village. The said land, according to the petitioners, is situated in agricultural zone and paddy crop is being raised therein. To the north of the petitioners land, one Penmetsa Venkata Raman holds land to an extent of Ac.1.41 cents in R.S.No.857/1 which is also double crop wet land situated in agricultural zone. According to petitioners, the 5th respondent is seeking conversion of the said land to non-agricultural purpose. Having come to know about the same, petitioners lodged complaints with various authorities including the District Collector/Sub Collector. It is primarily brought to the notice of the competent authority that if an agricultural wet land is converted to non-agricultural purpose, it would damage the crop of adjacent lands and there would also be problem of draining water. In spite of complaints filed by the petitioners even before the application of the 5th respondent was processed, permission was granted for conversion of the land under the Andhra Pradesh Agricultural Land (Conversion for Non-agricultural Purposes) Act, 2006 (for short, 'the Act').

2. Though appeal under Section 9 of the Act is provided, the petitioners instituted this Writ Petition on the ground that the authorities have not acted upon their complaint.

3. No *mala fides* are attributed against the officials. The Act does not envisage consideration of any complaint before

permission is granted for conversion of agricultural land for non-agricultural purpose. However, Section 9 of the Act is wide enough to enable any person aggrieved by such conversion to file an appeal.

4. The Writ Petition is accordingly disposed of granting liberty to the petitioners to prefer appeal against the order of conversion granted in favour of the 5th respondent under Section 9 of the Act, if so advised. As and when such an appeal is filed, the appellate authority shall consider the same objectively without regard to the earlier complaint filed by the petitioners on 02.05.2017. There shall be no order as to costs.

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

Date:22.08.2017

KH

P. NAVEEN RAO, J

