

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 38024 of 2012

Order:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

This Writ Petition is filed challenging the notice dated 09.05.2012 directing the petitioner to show cause with regard to imposition of penalty along with the conversion fee in respect of the agricultural land in Survey No.102/P in an extent of Ac.3.28 gts., situated at Kokapet village, Rajendranagar Mandal, Ranga Reddy district, for putting the land to non-agricultural use without obtaining any permission as required under Section 3 of the Andhra Pradesh Land (Conversion of Non-Agricultural Purpose) Act, 2006, shall not be imposed.

Learned counsel for the petitioner brought to the notice of this Court the order of the Division Bench in W.A.No.702 of 2010 and batch dated 28.08.2015 disposing of the writ petitions as follows.

“a) It shall be competent for the Urban Development Authorities or the Local Authorities, as the case may be to insist on submission of clearance/permission under the 2006 Act as a condition precedent for releasing of layouts, and

b) The land has been put to non-agricultural use before the 2006 Act came into force, such clearance/permission shall not be insisted.

c) Conversion of land into Non-agricultural use under the provisions of Act 3 of 2006 is necessary even if the land is covered by Master Plan and sanction of layout by the Development Authority under the provisions of Act 1 of 1975.”

Learned counsel further submits that the subject land was already converted to Non-agricultural use before the 2006 Act came into force and hence in view of the decision of the Division Bench there cannot be any payment of conversion charges or payment of penalty.

Since the impugned notice is only a show cause notice, liberty is given to the petitioner to bring all the facts to the notice of the third respondent within a period of thirty (30) days from the date of receipt of a copy of this order and on receipt of such explanation the third respondent shall pass appropriate orders in accordance with law by taking into consideration the order of the Division Bench as aforesaid and the explanation submitted by the petitioner.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

Date: 06.06.2017
Nsr

A. RAMALINGESWARA RAO, J

