

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.25215 OF 2017

Date: 07.08.2017

Between:

Kandula Sambasiva Rao S/o Udaya Bhaskara Appa Rao,
Aged 45 years, R/o Pidimetta village, Tallapudi Mandal,
West Godavari district.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its Principal Secretary
to the Government, A.P.Secretariat, Velagapudi,
Amaravathi, Guntur District and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims to be the owner and in possession of land to an extent of Ac.0.65 cents in R.S.No.7-1B of Kuknoor Village, Tallapadu Mandal, West Godavari district, having purchased the same on 16.07.2016. Petitioner intends to convert the land from agricultural land to non-agricultural purpose and he paid appropriate fee by way of Challan on 20.06.017, payable to the Revenue Divisional Officer, Kovvur. While so, petitioner received endorsement from the Office of Tahsildar, dated 01.07.2017 informing the petitioner that on enquiries, he received objections and, therefore, request for conversion to non-agricultural purpose cannot be granted.

2. Learned counsel for petitioner contends that endorsement of Tahsildar is liable to be set aside on the sole ground that under Section 5 of the Andhra Pradesh Agriculture land (Conversion for non-agricultural purpose) Act, 2006 (Act, 2006), competent authority is the Revenue Divisional Officer within his jurisdiction the application was made to him and, therefore, Tahsildar cannot deal with the issue. Therefore, endorsement is void *ab initio* and is liable to be set aside on that ground. Learned Government Pleader does not dispute the statutory vested power to decide the issue of conversion of agricultural land to non-agricultural purpose by the Revenue Divisional Officer.

3. Having regard to the provision contained in Section 5 of the Act, 2006 and when petitioner submitted his application to the

Revenue Divisional Officer, the endorsement impugned in the writ petition is liable to be set aside and is accordingly set aside. Writ petition is allowed. Notwithstanding the rejection endorsement of the Tahsildar, the Revenue Divisional Officer shall consider the application submitted by the petitioner on merits. While processing application submitted by the petitioner, the Revenue Divisional Officer shall also cause notice on the respondents 4 to 6, consider the objections, if any, made by them before finalizing the application submitted by the petitioner for conversion. *Prima facie*, if the Revenue Divisional Officer is accepting the objections of the respondents 4 to 6, he may also give due opportunity to the petitioner to place his version before taking a final decision.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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