

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.5022 of 2018

Order:

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

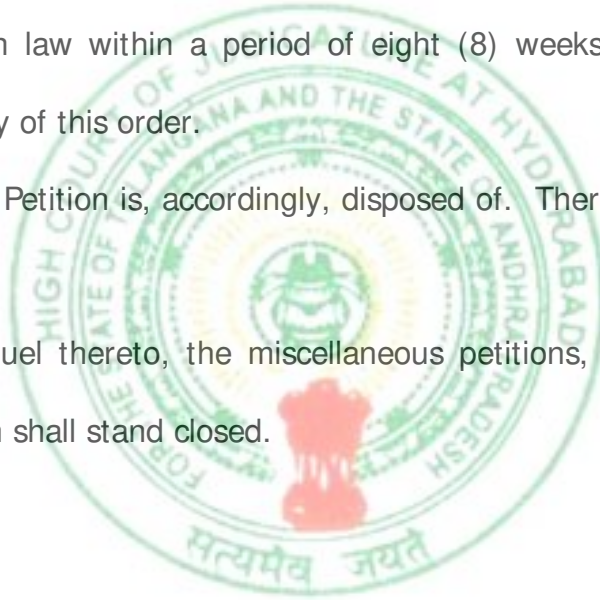
It is the case of the petitioners that they purchased the land of an extent of Ac.2-59 cents in Survey No.94, Ac.0-20 cents in Survey No.95, Ac.0-25 cents in Survey No.96/1 and Ac.0-79 cents in Survey No.98 of Basinikonda village, Madanapalli Mandal, Chittoor District, under various registered sale deeds. They have been in possession and enjoyment of the same from the dates of their purchase. The said land became the urban property within the vicinity of Madanapalli Town and they wanted to convert the same for non-agriculture purpose and, accordingly, they submitted an application on 16.04.2016 under Section 3(2) of the A.P. Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006, by paying requisite fee. But, the third respondent rejected the case of the petitioners on the ground that the applied survey numbers are DKT lands and NOC was not issued in respect of those lands. Against the same, the petitioners preferred an appeal to the second respondent and the second respondent, by order dated 24.01.2018, remanded the matter to the third respondent. Challenging the said order of remand, the present Writ Petition is filed.

Learned counsel for the petitioners submits that the second respondent has not passed the order within the stipulated time and no useful purpose would be served by going before the third respondent consequent to the order of remand passed by the second respondent, as he may also likely to take more time. He further submits that there is already a report of the fourth respondent and his subordinates in respect of the nature of the land and there is nothing to be enquired into except granting permission.

Since the second respondent passed a detailed order holding that the lands in Survey Nos.93/1 and 93/2, admeasuring an extent of Ac.1-14 cents and Ac.2-84 cents respectively of Basinikonda village, Madanapalle Mandal, cannot be converted as non-agricultural lands, but in respect of the remaining extents of lands in Survey Nos.94, 95/1A, 96/1A and 98/1, admeasuring Ac.2-59 cents, Ac.0-20 cents, Ac.0-25 cents and Ac.0-79 cents respectively of Basinikonda village of Madanapalle Mandal claimed by the petitioners can be enquired into by the third respondent, this Court is not inclined to entertain the present Writ Petition at this stage, but directs the third respondent to conduct *de novo* enquiry and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

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



A. RAMALINGESWARA RAO, J

Date: 16.02.2018

Note:
Issue CC in three days
(B/O)
Nsr