

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.33085 of 2016

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for the 1st respondent and Sri V. Narasimha Goud, learned Standing Counsel for the 2nd respondent-Hyderabad Metropolitan Development Authority (HMDA) and perused the prayer in the writ petition with the supporting affidavit and counter affidavit of the 2nd respondent with supporting material.

2. The prayer in the writ petition reads as follows:

“.....to issue an appropriate Writ, order or direction more particularly one in the nature of *Writ of Mandamus* declaring the action of the 2nd Respondent in insisting to submit No Objection Certificate from the Revenue Department for land conversion from agriculture to Non-agriculture use vide Lr.No.12965/MP2/Plg./HMDA/2009 dated 22.07.2016 as illegal, null, void and arbitrary and consequently direct the 2nd Respondent to release the layout in favour of the Petitioner without insisting for production of No Objection Certificate from the Revenue Department under Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 by considering G.O.Ms.No.443 Municipal Administration and Urban Development (I1) Department, dated 11.08.2000 and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interests of justice.”

3. It is the supporting affidavit averment referring to G.O.Ms.No.443 Municipal Administration and Urban Development

(I1) Department, dated 11.08.2000, with appended notification therein, that the letter of the 2nd respondent HMDA, dated 22.07.2016, in directing the petitioner to submit 'No Objection Certificate' from Revenue Department under A.P. Agricultural Land (Conversion to Non-Agricultural Purposes) Act, 2006 (NALA Act) as illegal, in saying the very G.O. referred supra itself is by converting the nature of land from Residential, Conservation and Recreational use zone to the Special Reservation for Iron, Steel and Pipe Market subject to other conditions and there was proceeding L.P.No.02, dated 23.05.2011, itself granting permission pursuant to the application of the petitioner society, by the 2nd respondent and now the insisting of No Objection Certificate from Revenue Department referred supra in the prayer is untenable.

4. The counter affidavit of the 2nd respondent is admitting the said G.O.Ms.No.443, dated 11.08.2000, in saying the letter and spirit of the G.O. from the terminology is crystal clear of the operation and the scope limited from its wording that "Government after careful examination of the matter observe that the shifting of the Steel Market will ease the traffic congestion and will be beneficial for the general public. Accordingly they agree with the request and exempt the Society from payment of conversion charges and development charges for any lay out approval. On clear reading of the above provision, it is clear that the petitioner is exempted from payment of conversion charges and development charges for lay out approval

only. But in the instant case, the petitioner has submitted application in the year 2009 for development of land as layout duly converting the land use in the above property from agricultural to non agricultural purpose and the respondent officials have rightly issued the impugned letter instructing the petitioner to submit the NOC from the Revenue Authorities for the reason that the petitioner is converting the usage of the land from agricultural to non agricultural purpose. Hence, it is clear that the provisions of G.O.Ms.No.443 does not exempt the petitioner from submitting the No Objection Certificate from Revenue Divisional Officer who is the competent authority under the provisions of the A.P. Agricultural Land (Conversion to Non-Agricultural Purposes) Act, 2006.”

5. In fact, the very letter in insisting to submit No Objection Certificate from Revenue Department for land conversion from agricultural to non-agricultural use under NALA Act, 2006, does not arise in the case as by the time the G.O. issued in 2000 the NALA Act is not there. Once that G.O. subsequently reads of the same was converted from residential, conservation and recreational use zone to business zone of iron, steel and pipe market, pursuant to which, if at all anything to insist is a layout plan with approval and use of the land covered by the purposes for which the G.O. is issued.

6. So far as the application of the NALA Act with prospective effect or otherwise to the case on question, the writ petition is not covered by the issue and this Court need not go into that as submitted

by both sides, but for to say the 2nd respondent having converted the land, which is already a non-agricultural purposes from residential to business zone, they cannot insist for obtaining of No Objection Certificate again to show for conversion from agricultural to non-agricultural zone. Only that aspect is clarified by disposing of the writ petition to the above extent to proceed further with the issue by the authorities.

7. With the above observation, the writ petition is disposed of to the extent of to proceed further with the issue by the authorities.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

27th February 2018
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Dr. B. SIVA SANKARA RAO, J

