

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10841 OF 2018

ORDER:

This Writ Petition is filed challenging the Proceedings No.L/1555/2014-24, dated February, 2018 and 29.12.2015 of the 2nd respondent wherein and whereby the petitioner was directed to pay Rs.4,65,38,415/- towards conversion fee and penalty under the provisions of Telangana Agricultural Land (Conversion For Non-Agricultural Purpose) Act, 2006 (for short 'the Act of 2006').

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue appearing for respondents.

Learned counsel for the petitioner submits that though the petitioner submitted explanation twice, but impugned orders are passed by the 2nd respondent on 29.12.2015 directing him to pay an amount of Rs.4,65,38,415/-. He further submits that without issuing any notice, order dated 29.12.2015 was passed and thereafter petitioner submitted explanation on 10.06.2016. He submits that again the impugned order is passed in the month of February, 2018, as if petitioner has not submitted any explanation. He further submits that the subject land was put to non-agricultural use much before the enactment of 2006 Act came into force and Draft layout and final layout were issued on 29.04.2013 and 19.08.2005 itself. When these documents clearly show that the petitioners put the land into non agricultural use much before the Act 2006 came into force. He submits that the

draft lay out dated 29.04.2003 and final lay out dated 19.08.2005 were also issued.

The matter underwent several adjournments and interim order granted on 03.04.2018 was extended from time to time.

Learned Assistant Government Pleader for Revenue submits that both the impugned orders can be set aside and matter may be remitted back.

A perusal of documents filed in support of the Writ Petition goes to show that the petitioner was put the subject land into non-agriculture use much before the Act of 2006 came into force. Without considering the said aspect and also without considering the explanation offered by the petitioner on 10.06.2016 to the earlier notice dated 29.12.2015, the 2nd respondent issued impugned proceedings dated nil February, 2018, directing the petitioner to pay an amount of Rs.4,65,38,415/-, as if petitioner has not filed any explanation, which is in violation of principles of natural justice. That apart, this Court had already decided the issue in WP No.26688 of 2007 & batch vide Common Order dated 28.04.2010, which is also confirmed in Writ Appeal No.742 of 2010 & batch.

Since the 2nd respondent has to consider the representation of the petitioner dated 10.06.2016 on merits, the impugned orders are set aside. The 2nd respondent is directed to consider the explanation filed by the petitioner along with documents, and pass appropriate orders, after giving an opportunity of hearing to the petitioner, in accordance with law.

Since it is the specific case of the petitioner that the land was put to use for non-agricultural purpose, basing on the official document issued by the respondents, the respondents are obligated to consider the said aspect also before passing any orders. It is open for the petitioner to file additional documents, if any, within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is allowed to the extent indicated above. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, shall stand closed.

25-10-2018.
kvs



A.RAJASHEKER REDDY, J

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Date: 25.10.2018

kvs

