

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.14477 of 2009

ORDER:

This writ petition is filed for the following relief:

“ to issue a writ of Mandamus or any other appropriate writ declaring the notice/letter of the 1st respondent in imposing condition in their letter No 1017/MP2/Plg. /HMDA/2008 dated 11.6.2009 directing the petitioner to obtain 'No Objection Certificate' from the Collector/Revenue Divisional Officer as per A.P.Agricultural Lands Act, 2006 notified vide G.O.Ms. No. 1537 Revenue dated 19.10.2006 as illegal, contrary to law, arbitrary and without any jurisdiction and direct the respondents to process the application and release Draft Gated Community Layout and building permission to the petitioner without insisting on the No Objection Certificate from the Collector/Revenue Divisional Officer for conversion of agricultural land for non-agricultural purpose as per the notice in letter No 1017/MP2/Plg. /HMDA/2008, dated 11.6.2009...”

Today, when the matter is taken up, it is submitted by the learned counsel for both the parties that the issue in the present writ petition is squarely covered by the common order, dated 28.04.2010, passed by this Court in W.P.No.26688 of 2007 and batch, as confirmed by the Division Bench of this Court in W.A.No.702 of 2010 and batch *vide* common judgment, dated 28.08.2015, relevant portion of which reads as under:

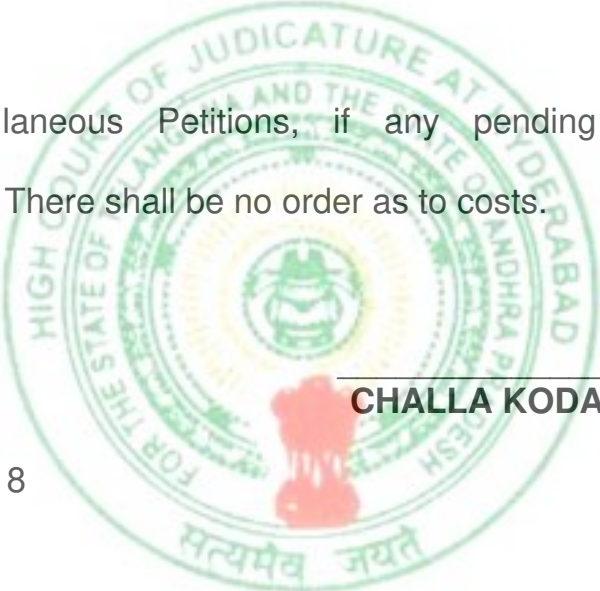
“As we have confirmed the common order, dated 28.04.2010, we are inclined to dispose of the writ petitions as follows:

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

- (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.”

Following the above said judgments and for the reasons stated therein, this writ petition is also disposed of in terms thereof. It is needless to mention that the petitioner is liable to pay necessary fee as required under the provisions of the A.P. Agricultural Land (Conversion of Non-Agricultural Purposes) Act, 2006.”

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.



CHALLA KODANDA RAM, J

Dt:12.10.2018

kdl