

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.27285 OF 2018

ORDER:

Heard Mr.V.V.N. Narayana Rao for petitioner and the learned Assistant Government Pleader for Revenue.

The petitioner complains against the inaction of respondents 2 to 4 in launching prosecution against 5th respondent for submitting fake documents and causing loss to exchequer while obtaining the proceedings Ref.G/2387/2015 dated 19.12.2015, as illegal and amounts to refusing to exercise the authority or jurisdiction conferred on the respondents.

The petitioner claiming to be a law abiding citizen, complains against the inaction of respondents in taking the proceedings dated 08.09.2016 to its logical end. The issue arises under the A.P. Agricultural Land (Conversion for Non-Agricultural Purpose) Act, 2006 (for short 'the Act'). The 5th respondent applied for land conversion under the Act. The 3rd respondent issued proceedings dated 19.12.2015 for conversion and directed payment of Rs.3,39,750/- towards conversion charges. The petitioner suspecting foul play on the valuation disclosed by 5th respondent complained before the 3rd respondent. The 3rd respondent issued proceedings dated 08.09.2016 calling upon the 5th respondent to pay Rs.9,75,800/- towards land conversion charges and the balance after giving credit to Rs.3,39,750/- and it is not disputed that the same is collected. The last four lines of the proceedings refer to initiating prosecution against 5th respondent. Now the petitioner challenges the inaction of respondents in launching prosecution and securing conviction of 5th respondent.

Mr.Narayana Rao has substantially reiterated the averments in the writ affidavit and has fairly stated that once the issue is brought to the notice of the respondents which resulted in collection of difference of amount, it is for respondents to further act in the matter. He however, submits that the petitioner since is an Advocate and law abiding citizen is questioning the inaction of respondents. After looking at the description of petitioner and 5th respondent, to the pointed query of Court whether the petitioner and the 5th respondent are related, Mr.Narayana Rao submits that from the Surname of both the parties, it looks like they are related. This Court is of the view that the petitioner, if has a grievance to grind against 5th respondent, he has already moved the authorities and the moving in resulted in issuing proceedings dated 08.09.2016 and ought not to be further used as an instrument for settling the personal scores between the parties, if any. In cases like this, the petitioner is required to satisfy the Court on *bona fides* in sensitizing the authorities to take up consequential or further action as desired or decided by them. Once the element of *bona fides* is not satisfied, this Court is of the view that the writ jurisdiction ought not to be entertained for settling the personal scores. Except the above grounds, no point is urged. When the Court desired to impose costs, Mr.Narayana Rao persuaded the Court not to impose the costs. Hence, the writ petition is dismissed without costs.

Miscellaneous petitions, pending if any, shall stand closed.

S.V.BHATT,J

Date:02.08.2018
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