

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.42686 OF 2017

ORDER:

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

The petitioner states that the land of an extent of Acs.3.13 cents in Survey No.1763 of Kurabalakota Village and Mandal, Chittoor District, is a private land. Out of the said land, an extent of Acs.0.78 ½ cents was stated to have been gifted to her by her husband on 10.10.2005. She also purchased another extent of Acs.1.17 cents and Acs.0.58 ¾ cents from private parties under registered sale deed dated 06.12.2006. She, along with others, purchased an extent of Acs.3.25 cents through a registered sale deed, dated 09.03.2007. She wanted to set up a retail petroleum outlet in an extent of Acs.0.55 cents and permission was accorded on 13.09.2016. She approached the respondents 2 and 3 for grant of 'No Objection Certificate' for the said land of Acs.0.55 cents, out of Acs.3.13 cents. Since the said land was an agricultural land, she wanted to convert the same into non-agricultural land under the provisions of Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purpose) Act, 2006. She submitted an application on 07.10.2016 for that purpose. The fourth respondent issued proceedings on 09.02.2017 rejecting her application. It appears that the petitioner made another application to the third respondent since the fourth respondent is not competent to pass orders. When the third respondent has not passed orders, the petitioner filed W.P.No.41130 of 2017 and this Court, while admitting the writ petition on 08.12.2017, granted interim order suspending the proceedings of the fourth respondent, dated 20.02.2017 and directing the third respondent to consider the application of the petitioner without reference to the same.

When the third respondent passed an endorsement on 16.04.2017 rejecting the request of the petitioner, the present writ petition is filed.

The impugned order, dated 16.04.2017, passed by the third respondent, reads as follows.

"Your application dated 21/10/2016 for LAND CONVERSION was examined. After enquiry your request is not considered due to the following reasons and hence rejected.

REASONS:- The Tahsildar, Kurabalakota, for reported that DKT patta was issued in the proposed syno is favour of Sri Mala Gangaiah and accordingly an endorsement has issued the applicant and hence the request is rejected."

The order does not refer to the title of the petitioner nor provide any reasons for rejecting the request of the petitioner. A reading of the order passed by the fourth respondent on 20.02.2017, shows that the petitioner is having an extent of Acs.2.93 $\frac{3}{4}$ cents of land in Survey No.1763 and she was given a pattadar pass book also, but the request of the petitioner was rejected by the fourth respondent on the ground that the said land was a Government land. The third respondent has not applied his mind to the facts of the case and passed the impugned order.

In view of the same, this Court is constrained to set aside the impugned order, dated 16.04.2017, passed by the third respondent and remands the matter to the third respondent for passing fresh orders in accordance with law.

The writ petition is accordingly allowed. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

18.01.2018
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