

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.42453 of 2017

Order:

The petitioner states that she is the permanent resident of Angallu of Madanapalle Mandal, Chittoor District. The land of an extent of Ac.6-74 cents, situated in Survey No.233 and Ac.3.92 cents in Survey No.730 and other properties of the same village originally belonged to one Setty Seetharami Reddy who had two wives. Through his first wife he got two sons and through second wife one son and one daughter were born. After his death, his children partitioned the properties on 14.05.1963. The petitioner states that she is the legally wedded wife of one of the sons of said Seetharami Reddy and her husband died on 09.01.1994 leaving her and her children as legal representatives of the joint ancestral properties that fell to the share of her husband. She filed O.S.No.32 of 2017 on the file of the II Additional District Judge, Madanapalle, for partition on 24.04.2017 and the same is pending. It is the case of the petitioner that when the sixth respondent created some documents and encroached her property and is making constructions, she issued a legal notice on 22.04.2017 to the Angallu Gram Panchayat and a copy of the same was sent to the third respondent also. When there was no response, the petitioner also approached the fifth respondent through representation dated 09.10.2017 for taking action against the sixth respondent. The present Writ Petition is filed challenging the action of the respondents 1 to 5 in not taking action on the representation of the petitioner dated 09.10.2017 and the legal notice dated 22.04.2017 against the constructions made by the sixth respondent.

Now a counter affidavit is filed by the fourth respondent stating that the sixth respondent did not obtain prior permission from the Sub-

Collector, Madanapalle for conversion of his land into non-agriculture and now he remitted an amount of Rs.35,000/- towards conversion fee on 04.01.2018. The file is under process. The Panchayat Secretary, Angallu Panchayat was also issued a note on 12.12.2017 not to entertain such type of proceedings without prior permission from the Sub-Collector, Madanapalle for conversion of the land into non-agriculture. But, the sixth respondent purchased the land situated in Survey No.350 of the village through a registered sale deed dated 03.04.2017 and the said purchase was for an extent of 166.66 sq. yards.

It is clear from the above facts that the sixth respondent purchased the property under a registered sale deed dated 03.04.2017. The petitioner filed a suit for partition on 24.04.2017 and the same is pending before the Court of II Additional District Judge, Madanapalle. The sixth respondent was not made a party to the said suit. Though there is irregularity with regard to obtaining permission for conversion of land, now the sixth respondent paid Rs.35,000/- and the file is stated to be under process.

In the circumstances, this Writ Petition is disposed of directing the respondents 3 to 5 to take appropriate action in accordance with law with regard to conversion of the land sought for by the sixth respondent. If the conversion is not permissible, then it is open to the respondents 3 to 5 to take appropriate action against the sixth respondent.

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

Date: 26.02.2018
Nsr