

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.16052 OF 2019

ORDER

The case of the petitioners is that the 7th petitioner is the owner of agricultural land to an extent of Acs.14-09 gts. situated in Sy.No.148/3 to 148/9, Chunchupalli village and mandal, Bhadradri Kothagudem District and he has applied to the Revenue Divisional Officer, Kothagudem District through Mee-Seva on 21.01.2019 for conversion of his land to non-agricultural use under the provisions of A.P. Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006, but the competent authority has not taken any action, and in view of the deeming provision under the said Act, 7th petitioner has proceeded for non-agricultural use. Petitioners 1 to 6 have purchased different extents of land from the 7th petitioner, the details of which are as under:

Sl. No.	Vendor	Vendee	Extent of land sold in acres	Date of purchase	Sy.Nos.
1.	Malotha Srinivas	Maloth Rambabu	0.10 gts	25-05-2019	148/3 to 48/9
2.	- do -	J.Ashwini	0.20 gts	22-02-2019	148/3 to 148/9
3.	- do -	Banoth Hatiram	1.00 gts	06-11-2018	148/5
4.	- do -	Boda Kausalya	0.16 gts. & 0.26 gts.	17-05-2019	148/6
5.	- do -	Badavath Srinivas	1.00	06.11.2018	148/7

Petitioners admit that without any permission, they raised constructions and the 4th respondent – Gram Panchayat, represented by its Panchayat Secretary issued notice dated 09.05.2019, and they submitted explanations. Their case is that the said notices are without any details and no provision of law is also mentioned. The further case of the petitioners is that vide memo dated 25.07.2019, the 5th respondent – Tahsildar, based on the orders of the 2nd respondent – District Collector, instructed the Mandal Surveyor, Chunchupally, to show boundaries of the subject land to the District Panchayat Officer, Bhadradri

Kotagudem, for the purpose of demotion of houses in the subject land, and to report the same to the District Collector.

The grievance of the petitioners is that without any notice and behind their back, the 5th respondent – Tahsildar, is taking steps for demolition of their houses in the subject land.

Heard the learned counsel for the petitioners, who reiterated the above averments made in the writ affidavit.

Heard the learned Assistant Government Pleaders for Panchayat Raj and Revenue.

Sri G.Narender Reddy, learned Standing Counsel for 4th respondent – Gram Panchayat, on instructions, submit that petitioners have made constructions without any permissions, and also in violation of the status quo orders of this court and hence steps are being taken for demolition.

A perusal of the memo dated 25.07.2019 goes to show the 2nd responded ordered for demolition and in pursuance of the same, the 5th respondent – Tahsildar, instructed the Mandal Surveyor to show the boundaries of the subject land, to the District Panchayat Officer, to carryout the demolition. The said memo does not indicate that whether any opportunity was given to the petitioners. Hence, straightaway ordering for demolition, without any notice and opportunity to the petitioners, would amount to violation of the principles of natural justice. On this ground alone, the impugned memo is liable to be set aside and accordingly set aside and the writ petition is allowed.

However, it is open for the respondents to take appropriate action against the constructions made by the petitioners in the subject land, by following due process of law.

Learned counsel for the petitioners would submit that petitioners have made applications to the 4th respondent for grant of permissions, and the same may be directed to be considered in accordance with law.

In view of the above submission, the 4th respondent is directed to consider the applications stated to have been made by the petitioners for grant of construction permissions, in accordance with law. However, this will not preclude the authorities from taking appropriate action against the illegal constructions made by the petitioners, in accordance with law.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:20—08—2019

AVS

