

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.25538 of 2019

ORDER:

The present writ petition is filed to declare the action of the first respondent in issuing notice, dated 01.11.2019, threatening to remove the stones in the layout developed by the petitioner over an extent of Acs.16.25 guntas land in Survey Nos.165 to 169, 192 to 194 and 214 of Aepoor Village, Chityala Mandal, Nalgonda District, as illegal and arbitrary.

2. The case of the petitioner is that he obtained layout permission and conversion permission, *vide* proceedings dated 26.04.2009, in respect of land in an extent of Acs.16.25 guntas, and accordingly, proceeding with the development activity over that extent only. The petitioner states that since he did not obtain any layout permission over an extent of Acs.9.00 guntas of land, he did not undertake any development activity over such extent. Despite the same, the respondent authorities are threatening the petitioner that if he fails to produce the conversion permission for Acs.9.00 guntas of land, they will remove the plotting stones from the layout. According to the petitioner, if any deviation is found in respect of non-conversion of land use, the competent authority, under the Telangana Agricultural Land (Conversion for Non-Agricultural Purpose) Act, 2005, will have jurisdiction to initiate any action or to impose penalty and not the Panchayat Secretary, who issued the impugned notice.

3. Heard Sri M.Sudheer Kumar, learned counsel for the petitioners, Sri G.Narender Reddy, learned standing counsel for the first respondent, and learned Government Pleader for Panchayat Raj, appearing for the second respondent.

4. Learned counsel for the petitioner submits that though the petitioner is not undertaking any development activity on the land in an extent of Acs.9.00 guntas in Survey Nos. 192 to 195, 213 and 214 of Aepoor Village, Chityala Mandal, Nalgonda District, the impugned notice is issued threatening the petitioner that the stones will be removed from the land in an extent of Acs.16.25 guntas in Survey Nos.165, 166, 167, 191 to 195 and 214 of Aepoor Village, Chityala Mandal, Nalgonda District, in case he fails to obtain NALA permission and prays for necessary direction in this regard.

5. Sri G.Narender Reddy, learned standing counsel, submits that since the impugned proceeding is only a notice in relation to an extent of Acs.9.00 guntas of land, which is not being converted from agricultural to non-agricultural purpose, the petitioner can as well file his objections thereto and it is not the final determination by the Panchayat Secretary.

6. *Prima facie*, since the impugned proceeding is only a notice calling upon the petitioner to obtain NALA permission for the remaining extent of Acs.9.00 guntas of land, this Court is of the opinion that it is open for the petitioner to file his objections stating that the authority, who issued the impugned notice, has no jurisdiction to issue such notice and that he is not undertaking any development activity in relation to such land.

7. Hence, the writ petition is disposed of, permitting the petitioner to file his objections/reply to the impugned notice dated 01.11.2019 raising all the grounds, within a period of one week from the date of receipt of a copy of this order, whereupon the authority concerned shall consider the same and act in accordance with law. It is however made clear that insofar as the development activity which is stated to have been

undertaken in an extent of Acs.16.25 guntas is concerned, the respondent authorities are directed to proceed by adhering to due process of law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

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JUSTICE T.VI NOD KUMAR

Date:20.11.2019

GJ

