

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No. 26255 of 2019

ORDER :

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

2. Petitioner claims to be owner and possessor of agricultural land admeasuring Ac.3-00 guntas in Sy.No.1913/B and an extent of Ac.2-00 guntas in Sy.No.1913/C1 of Madikonda village, Kazipet mandal, Warangal urban district by virtue of registered sale deed bearing Document Nos.1048/06 dated 8.2.2006 and 5917/06 dated 24.6.2006.

3. Petitioner alleges that the 5th respondent with an intention to grab the above said property, created false and fabricated documents and trying to interfere with his possession and enjoyment over the said land. Hence, petitioner filed suit in O.S.No. 343 of 2010 on the file of Senior Civil Judge, Warangal for grant of injunction and the same is pending. Petitioner also alleges that pending the said suit, the 5th respondent obtained pattadar passbook in the year 2011-12 and having come to know about the same, petitioner filed appeal before the 3rd respondent-Revenue Divisional Officer for cancellation of the said passbooks and the said appeal is pending before RDO. Petitioner further alleges that the 5th respondent approached the 3rd respondent and filed application for conversion of land into non-agricultural purposes under Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 in respect of the very same subject land. Having come to know about filing of such application, petitioner filed objections on 18.11.2019. Alleging

that the said objections are not considered and respondents 1 to 4 are going to issue orders in favour of 5th respondent for conversion of land usage, this writ petition is filed.

4. Learned counsel for petitioner submits that the suit filed by the petitioner is pending and at this stage, if the land is converted for non-agricultural purposes, the claim in the suit gets defeated and conversion of land usage would cause serious prejudice to the petitioner.

5. This Court is not inclined to express any opinion without hearing the respondents on rival claims. Since the suit is already pending, it is always open to the petitioner to raise the plea of conversion in the said suit. On a perusal of the material on record, it is seen that there is no proof of filing application for conversion. Even according to the learned counsel, Rules 2006 made under NALA Act prescribes certain procedure to be followed by the competent authority, which requires inspection of land in order to determine conversion of land usage. If that being so, it cannot be said that the 3rd respondent-RDO would deviate the procedure required before accepting the application, if any, made by the 5th respondent.

6. The prayer in the writ petition is in the form of preemptive litigation directing the RDO not to issue conversion certificate without considering objections. Further, the object of Act, 2006, which is a charging enactment, deals with collection of revenue whenever a person intend to convert agricultural land for non-agricultural purposes for provision of amenities due to development of land for non-agricultural purposes. The act does not seek to

resolve the issue of title claim and mere conversion order does not vest any right as regards ownership and possessory claim. Having regard to the same, the Court is not inclined to entertain the writ petition at this stage. Leaving it open to the petitioner to avail appropriate remedy as and when any adverse decision is made by the 3rd respondent Revenue Divisional Officer without following due process of law, the writ petition is dismissed. As a sequel, the miscellaneous petitions, if any, shall stand closed.

Date: 5.12.2019
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P.NAVEEN RAO,J

