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HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

TUESDAY, THE TWENTY FIRST DAY OF APRIL,
~~TWO THOUSAND AND FIFTEEN~~

:PRESENT:

THE HON'BLE SRI JUSTICE: CHALLA KODANDA RAM
WPMP.NO:14954 of 2015
IN
WP.NO:11325 of 2015

Between:

M/s Greenwood Estates, A registered partnership firm, rep. by its Managing Partner, Soham Modi, 5-4-187/3 & 4, 2nd floor, Soham Mansion, M. G. Road, Secunderabad - 500 003.

...Petitioner
(Petitioner in WP 11325 of 2015
on the file of High Court)

AND

1. State of Telangana, rep. by its Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Special Grade Deputy Collector and Revenue Divisional Officer, Malkajgiri Division, Ranga Reddy District.

...Respondents
(Respondents in-do-)

Counsel for the Petitioner: Sri Vedula Venkata Ramana for
Sri Prabhakar Peri

Counsel for the Respondents: GP for Revenue (TG)

Petition under Section 151 of C.P.C., praying that in the circumstances stated in the affidavit filed in the W.P. the High Court may be pleased to grant stay of operation and effect of the order passed by the 2nd respondent in proceedings No. L/1555/2013-1 dated 20-11-2014, pending disposal of WP No. 11325 of 2015 on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

The levy of conversion charges and penalty in the order dated 20.11.2014 issued under the Andhra Pradesh Agricultural Land (conversion for non-agricultural purpose) Act, 2006 (for short 'the Act') came to be challenged before this Court. It is the principal contention of the learned Senior Counsel, Sri Vedula Venkataramana appearing for the petitioner that the subject land is non-agricultural land as on the date of the Act came into force and that as a matter of fact, the subject land of the petitioner fall under residential zone and the same is confirmed by the authorities. He further submits that the petitioner also submitted his explanation to the same effect, however, the same is not considered by the authorities in the proper perspective and raised the impugned demand directing the petitioner to pay conversion fee along with penalty of Rs. 87,12,000/-

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On the other hand the learned Government Pleader submits that there is no categorical finding as such that the subject land is a non agricultural land as on the date of the Act came into force.

Admittedly as on the date of the Act came into force, the petitioner utilized the subject land for non-agricultural use and constructed residential flats and thereby converted the agricultural land for non agricultural use. Admittedly the petitioner did not obtain prior consent of the competent authority for conversion under the Act. In view thereof, the respondents raised the present demand.

The issue as to whether the agricultural land with in the notified residential zone can automatically ceased to be non-agricultural land, is required to be considered in the main Writ petition. Prima facie the said Act is a fiscal enactment and meant for enhancement of revenue of the State.

Having regard to the facts and circumstances of the case and for the foregoing discussion made herein above, there shall be interim stay of operation of the order passed by the second respondent in proceedings No.L/1555/2013-1, dated 20.11.2014 subject to the condition of petitioner paying 50% of the demanded amount, i.e. Rs.48,56,000/- within a period of six weeks from today. If the amount as directed hereinabove is not paid, the interim order shall stand dissolved without further reference to this Court.

Notice.

Sd/- N.PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The Special Grade Deputy Collector and Revenue Divisional Officer, Malkajgiri Division, Ranga Reddy District. (Addressee Nos 1 and 2 by RPAD)
3. Two CCs to GP for Revenue (TG), High Court, Hyderabad (OUT)
4. One CC to Sri Prabhakar Peri, Advocate (OPUC)
5. One spare copy

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