

3

**MEMORANDUM OF WRIT APPEAL  
(UNDER CLAUSE 15 OF LETTERS PATENT)**

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

WPMP No.14954 of 2015 in WP.No.11325 of 2015

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

**BETWEEN:**

M/s Greenwood Estates, a registered partnership firm, with  
Registration No.3533 of 2006, rep. by its Managing Partner,  
Soham Modi, 5-4-187/3 & 4, 2<sup>nd</sup> floor, Soham Mansion, M. G.  
Road, Secunderabad - 500 003.

...Appellant/Petitioner

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.

The address for service of all notices and other processes  
on the above named petitioner is that of his counsel M/S. PERI  
PRABHAKAR (6390) ADVOCATE, # 3-5-801, Hyderguda,  
Hyderabad-500 029.

Being aggrieved by the Order dated 21-4-2015 passed by  
the Hon'ble Justice Challa Kodanda Ram, in W.P.M.P.No.14954  
of 2015 in W.P. No.11325 of 2015, dated 21-4-2015, the  
appellant prefers the present Writ Appeal for the following  
among other:-

**GROUND**

1. The Order of the learned single Judge is erroneous and  
contrary to law.
2. The learned single Judge has erred in giving the direction  
to deposit/pay 50% of the demanded amount, is not based on any

u

legal principle. When the demand itself is challenged as one ~~without jurisdiction in the light of the law laid down by this~~ Court in W.P.No.26688 of 2007 and batch, which has attained finality, the learned Judge ought to have granted an unconditional interim relief.

3. The learned single Judge has failed to see that if the subject area has become part of residential zone under the A.P. Urban Areas Development Act, 1975 prior to the advent of the 2006 Act, no conversion charges can be demanded since the inclusion in the residential zone itself is a conversion by operation of law.

4. The learned single Judge has erred in directing the appellant to deposit 50% of the amount demanded even while observing that the petitioner has utilized the subject land for non-agricultural purpose and constructed residential flats and thereby converted the agricultural land for non-agricultural use by the date of the Act coming into force. The learned Judge failed to see that as the subject land has already been earmarked for residential purpose by the date of the Act coming into force itself, the appellant putting the subject land to use for non-agricultural purpose does not amount to conversion of agricultural land for non-agricultural purpose and as such there is no requirement of payment of any fee/tax for the said purpose.

5. The learned single Judge has erred in directing the appellant to pay 50% of the amount demanded as a condition to grant stay of recovery proceedings pursuant to the impugned order of the 2<sup>nd</sup> respondent.

6. The learned single Judge has failed to see that the issue raised in the writ petition is covered by the judgment rendered by this Hon'ble court in a batch of writ petitions in W.P.No. 26688 of 2007 and batch and there is absolutely no requirement of

5

payment of any amount as conversion fee/tax when the subject land is already earmarked for residential use by the date of commencement of the Act itself, as such the petitioner/appellant is not under any obligation to pay the amount demanded.

7. The learned single Judge has failed to see that when the land is already earmarked for residential use by the date of coming into force of the A.P. Agricultural Land (Conversion for Non Agricultural Purposes) Act, 2006 itself there is no requirement of payment of fees/tax under the provisions of the Act and as such the Hon'ble Court should not have imposed a condition to deposit 50% of demanded amount for grant of stay of execution proceedings.

8. The learned single Judge has failed to see that when the issue involved in the writ petition is already settled by the judgment of this Hon'ble Court in W.P.No.26688 of 2007 and batch, the matter is covered by the said judgment and the learned Single Judge ought not to have imposed any condition for grant of stay of execution proceedings.

9. The other grounds will be urged at the time of hearing.

It is, therefore, prayed that this Hon'ble Court may be pleased to set aside the orders passed in W.P.M.P.No.14954 of 2015 in W.P.No.11325 of 2015, dated 21-4-2015 in so far as it imposed a condition of deposit of 50% of the amount demanded for grant of stay of operation and effect of the impugned order in proceedings No.L/1555/2013-1 dated 20-11-2014 and pass such other order or orders in the interest of justice.

A court fee of Rs. 100/- paid herewith

Hyderabad  
Dt.25-05-2015

COUNSEL FOR THE APPELLANT

2  
DISTRICT :: RANGA REDDY

HIGH COURT :: HYDERABAD

W.A.NO. OF 2015

AGAINST

WPMP 14954/2015 IN WP 11325/15

MEMO. OF GROUNDS

PERI PRABHAKAR (6390)  
COUNSEL FOR THE APPELLANT