

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND THIRTEEN

PRESENT
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO: 10300 OF 2013

Between:

M/s Vista Homes, Represented by its Authorized Signatory Sri Soham
Modi, Survey No.193, 194, 195, Kapra Village, Keesara Mandal, Ranga
Reddy District.

.....PETITIONER

AND

The Tahsildar, Keesara Mandal, Ranga Reddy District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ of Mandamus or order or any other appropriate writ or direction declaring the action of the respondents in directing the petitioner, to pay conversion fee under the A.P. Agricultural Land (Conversion for non Agricultural purpose) Act, 2006, in respect of the Land admeasuring Ac. 5.25 guntas in Sy. No.193, 194, 195, Kapra Village, Keesara Mandal, Ranga Reddy district, as arbitrary and illegal and consequently direct the respondent to forbear from making such demands, and further direct the respondent not interfere with the construction of the petitioner in Land admeasuring Ac 5.25 guntas in Sy. No. 193, 194, 195, Kapra Village, Keesara Mandal, Ranga Reddy district.

WPMP NO. 12795 OF 2013: Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents not to interfere with the construction of the petitioner pursuant to permit No. 17811/1-10/EZ/Cir-I/2012 dated 11.12.2012 in land admeasuring Ac. 5.25 guntas in Survey No. 193, 194, 195, Kapra Village, Keesara Mandal, Ranga Reddy District.

Counsel for the Petitioner: SRI P. PRABHAKAR

Counsel for Respondent: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.10300 OF 2013

ORDER:

The action of the respondents, in directing the petitioner to pay conversion fee under the Andhra Pradesh Agricultural Land (Conversion for non agricultural purpose) Act, 2006, in respect of land admeasuring Ac.5.25 guntas in Survey Nos.193, 194, 195 of Kapra Village, Keesara Mandal, Ranga Reddy District, is questioned in this Writ Petition as being illegal and arbitrary.

When the matter came up on 08.04.2013, Learned Government Pleader for Revenue (Telangana Area) sought time to obtain instructions. Today the Learned Government Pleader, on instructions, would submit that the Tahsildar, Keesara Mandal, Ranga Reddy District (respondent) had merely asked the petitioner to obtain permission for conversion of the agricultural land into non-agricultural land; the respondent is not the competent authority to take a decision whether or not to grant conversion, and it is the Revenue Divisional Officer who is empowered to do so; and the respondent intends to submit a report to the Revenue Divisional Officer regarding the violations, on the part of the petitioner, in raising construction on the subject land without obtaining permission.

Sri Peri Prabhakar, Learned Counsel for the petitioner, would submit that, as the subject land is shown in the

master plan as a residential zone, there is no need for the petitioner to obtain permission for conversion of the subject land; and, as such, the action of the respondent is illegal.

It is wholly unnecessary for this Court to examine whether or not the petitioner is required to obtain permission for conversion of the subject land as these are all matters for the Revenue Divisional Officer concerned to decide. If the respondent is of the opinion that the petitioner has violated the law, he can inform the competent authority to initiate action against him. It is always open to the competent authority, to take action against the petitioner, for violations if any, in accordance with law, after putting him on notice and after giving him an opportunity of being heard. As it is now admitted that the respondent is not the competent authority, he shall not interfere with the petitioner's possession over the subject land.

The Writ Petition is, accordingly, disposed of. The Miscellaneous Petitions pending, if any, shall also stand disposed of. However, in the circumstances, without costs.

**SD/-CH.V.SIVA PRASAD
ASSISTANT REGISTRAR**

//TRUE COPY//

[Signature]
SECTION OFFICER

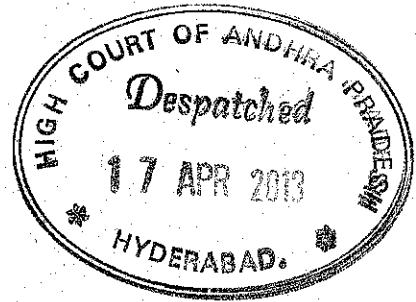
To,

1. The Tahsildar, Keesara Mandal, Ranga Reddy District.
2. Two CCs to G.P. for Revenue, High Court of Andhra Pradesh, Hyderabad (OUT)
3. One CC to Sri P. Prabhakar, Advocate (OPUC)
4. Two CD Copies

MBC
[Signature]

HIGH COURT

DATED: 12/04/2013



ORDER

WP.No.10300 of 2013

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

*W.P.
12/4/13*

Carbon Copy Application Filed on *12/4/13*
Copy Ready on *17/4/13*
Copy Delivered on *17/4/13*

(6)

17/4/13
Section officer
Current Section
High Court of Andhra Pradesh
Hyderabad.

17/4/2013