

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 24716 OF 2022

Between:

R.Vishnu Vardhan Reddy, S/o. R.Amrutha Reddy, Aged about 42 years, Occ.
Business, R/o.Ruby-42, Praneeth Pranav County, Beeramguda, Ameenpur,
Ameenpur Municipality Mandal, Sanga Reddy District, Telangana,
Pin.502319.

...PETITIONER

AND

1. State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
3. The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Tarnaka, Hyderabad, Telangana.
4. The Planning Department, Hyderabad Metropolitan Development Authority, Tarnaka, Hyderabad, Telangana.
5. The Collector, Sanga Reddy District, Telangana.
6. The Mandal Revenue Officer, Ameenpur Village, Ameenpur Municipality Mandal, Sanga Reddy District, Telangana.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction particularly one in the nature of writ of Mandamus to declare the action of the Respondent no.5 and Respondents No. 6 in not taking conversion tax and releasing NALA conversion certificate for the plot no.87, 88 and 89(SOUTHERN PART) in Survey No. 898/P, 910/P, 911/P, 912, 913, 940/P, 941/P, 942/P, 943/P, 944/P, 945/P and 946/P to an extent of 876.81 Sq.yards or 732 90 Sq.mt all the three plots situated at USKABAVI, AMEENPUR, Ameenpur Mandal, Sangareddy District, Telangana State as arbitrary, illegal, without any jurisdiction and contrary to the Provisions

of the Telangana Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 and rules and constitutional right to property Article 300-A and violation of art 14 of the constitution of India and consequently direct the respondent no.5 and respondent No.6 to collect conversion tax and releasing NALA conversion certificate according to Telangana Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 and rules for the plot no.87, 88 and 89(SOUTHERN PART) in Survey No. 898/P, 910/P, 914/P, 912, 913, 940/P, 941/P, 942/P, 943/P, 944/P, 945/P and 946/P to an extent of 876.81 Sq.yards or 732.90 Sq.mt all the three plots situated at USKABAVI, AMEENPUR, Ameenpur Mandal, Sangareddy District, Telangana State.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct thr respondent No.3 and respondent No.4 to not insist on NALA Conversion Certificate and issue Occupancy Certificate to Residencial Building consisting of 1 Stilt + 5 in plot nos. 87 88 &89 (SOUTHERN PART) in Surevy No. 898/P, 910/P, 911/P, 912, 913, 940/P, 941/P, 942/P, 943/P, 944/P, 945/P & 946/P, of Ammenpur village, Ameenpur Municipality Mandal, Sanga Reddy District pending Disposal of this writ petition.

Counsel for the Petitioner: SRI. NAGESHWAR RAO PUJARI

Counsel for the Respondents No.1 &5,6 : GP FOR REVENUE

Counsel for the Respondent No.2: GP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent No. 3 & 4:-----

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO.24716 OF 2022

ORDER:

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

2. The petitioner herein claiming to be the proprietor of M/s. Sharadha Developers had entered into a registered development agreement-cum-General Power of Attorney dated 10.07.2020 in respect of the land in Plot Nos.87, 88 and 89 (Southern Part) situated in Survey Nos.898/P, 910/P, 911/P, 912, 913, 940/P, 941/P, 942/P, 943/P, 944/P, 945/P and 946/P admeasuring 876.81 square yards, completed the construction of multistoried apartment in the said plots and when the petitioner made an application for issuance of occupancy certificate, the third respondent herein, through its letter No.002093/OC/HMDA/0362/SKP/2022 dated 11.03.2022, required the petitioner to submit the nala conversion certificate issued by the concerned Revenue Divisional Officer. In view of the said requirement, the petitioner stated to have approached the respondents 3 to 6

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expressing his willingness to pay nala conversion tax together with penalty at 50% and requested them to receive application for conversion and to process the same. But they stated to have informed the petitioner that the manual application cannot be processed and petitioner has to submit an online application on Dharani Portal. It is the further case of the petitioner that when the petitioner made an attempt to submit an online application on Dharani Portal for the said purpose, there was no such option available on Dharani Portal. Under those circumstances, the petitioner approached this Court by filing the present Writ Petition.

3. Learned Assistant Government Pleader placed before this Court the written instructions received from the office of the sixth respondent and as per the said instructions, it is the stand of the respondents that in terms of sub-Section (2) of Section 3 of the Telangana Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 by Act No.19 of 2020, any person, who seeks conversion of the agricultural land for non-agricultural purposes, shall apply through website prescribed for this purpose along with conversion tax as specified under Section 4 of the said Act and penalty of

50% conversion tax, in case land has already been put to non-agricultural purpose without obtaining permission as required under sub-Section (1), for allotting available date and time to attend before the competent authority and the competent authority shall allot the date and time and maintain such particulars in register in prescribed format. It is also stated that there is no option provided on Dharani Portal for taking conversion tax in converting the land, which is in square yards, into non-agricultural land and to issue nala conversion certificate.

4. Thus, it is the stand of the respondents that the petitioner, in order to seek conversion of the subject land for non-agricultural purpose, should submit an online application on Dharani Portal but no such option is available on Dharani Portal.

5. Under the very similar circumstances, another Writ Petition came before this Court in W.P.No.25941 of 2022 wherein this Court taken note of the serious anomaly in the matter of implementing the statutory provisions contained in the Act, 2006 as amended by the Act 19 of 2020 and passed various orders from time to time and as a result of which the

Chief Secretary and Chief Commissioner of Land Administration issued a proceeding in CCLA's Ref.No.CMRO/2452/2022 dated 29.08.2022, which reads as under:-

"Attention of the District Collector, Medchal-Malkajgiri is invited to the references cited wherein it is informed that a provision is already enabled in District Collector login in TM 31 "Issue of PPB or NALA conversion where Pattedar name is shown as House/House site" and he is requested to take necessary action and dispose the application filed by the petitioner for NALA conversion in TM 31 module duly collecting penalty of 50% there upon conversion tax through treasury challan prescribed for NALA."

In the said Writ Petition, pursuant to the above said proceedings, the petitioner therein was required to submit an online application for seeking conversion and such an application was submitted by the petitioner in the said Writ Petition and the respondents have also passed orders converting the land for non-agricultural purpose by duly collecting the required fees.

6. In the light of the above, as the appropriate provision is made and enabled as District Collector's login in TM 31, as noted above, there is no necessity to deal with this case in detail and accordingly, this Writ Petition is disposed of, permitting the petitioner to submit an online application under the said module TM 31 within a period of two (2) weeks

from the date of receipt of a copy of this order and on submission of such online application, the respondents 5 and 6 are directed to pass appropriate orders on the said online application for converting the subject land from agricultural purpose to non-agricultural purpose within a period of three (3) weeks from the date of submission of such online application.

7. If for any reason, the petitioner is unable to submit online application, as permitted hereinabove, the petitioner is permitted to approach the respondents 5 and 6 by submitting a representation to that effect and on submission of such representation, the respondents forthwith shall take all necessary steps for conversion of land use of subject land as expeditiously as possible at any rate within a period of three weeks from the date of submission of such representation, subject to payment of required fee and penalty by the petitioner.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

//TRUE COPY//

SD/-K.SAILESHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, State of Telangana, Hyderabad.
3. The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Tarnaka, Hyderabad, Telangana
4. The Planning Department, Hyderabad Metropolitan Development Authority, Tarnaka Hyderabad Telangana

5. The Collector, Sanga Reddy District, Telangana.
6. The Mandal Revenue Officer, Ameenpur Village, Ameenpur Municipality Mandal, Sanga Reddy District, Telangana.
7. One CC to SRI. NAGESHWAR RAO PUJARI Advocate [OPUC]
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana at Hyderabad. [OUT]
10. Two CD Copies
11. One Spare Copy

SDR

HIGH COURT

DATED: 28/9/2022

ORDER

WP.No.24716 of 2022



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(14) VLV
19/10/22