

**IN THE HIGH COURT OF JUDICATURE
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**THURSDAY THE TWELVETH DAY OF MARCH
TWO THOUSAND AND FIFTEEN**

HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 17817 OF 2011

Between:

P.Muthu Lakshmi & Anr. ... Petitioners

V/s.

The Government of Andhra Pradesh
Represented by its Secretary,
Land Acquisition, Hyderabad
& Ors. ... Respondents

Counsel for the Petitioners : Sri S.V.Muni Reddy

Counsel for the Respondents : Govt.Pleader for Land Acquisition

The court made the following : [order follows]

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ORDER:

The petitioners pray for mandamus declaring section 4 (1) notification No.G-3/10346/2009, dated 28/10/2009 and draft declaration under section 6 of Land Acquisition Act, in Proceedings No.G3/10346/2009 dated 05/05/2010 of the second respondent in so far as it relates to the petitioners are concerned as illegal, contrary to Section 5-A of Land Acquisition Act, 1894 and unconstitutional.

2. The subject matter of the writ petition is an extent of Ac:0-20 cents in survey No.386-2B; Ac:0-49 cents in survey No.386-4B; Ac:0-65 cents in survey No.316-6B of Karvetinagaram village and Mandal, Chittoor district. The purpose of acquisition is widening of Chittoor-Puttur road.

3. This Court through order dated 05/07/2011 directed to maintain statusquo by both parties.

4. The respondents filed WVMP.No.3798 of 2011 and seek vacation of interim order dated 05/07/2011.

5. The learned counsel appearing for the parties submit that A.Subramanyam and others filed WP.No. 11824 of 2010 assailing the

same 4 (1) notification No.G-3/10346/2009, dated 28/10/2009 and draft declaration in Proceedings No.G3/10346/2009 dated 05/05/2010 of the second respondent.

6. This Court through order dated 06/03/2014 allowed the WP.No.11824 of 2010 in part and directed to conduct enquiry under section 5-A of Land Acquisition Act.

7. On instructions, the learned Government Pleader submits that Section 5-A enquiry of subject acquisition is pending as on date. It may be that the case of petitioners is slightly different from the case of petitioners in WP.No.11824 of 2010. But the fact of the matter is the acquisition of contiguous land is for road widening and enquiry in this behalf is pending before Land Acquisition Officer.

8. As the enquiry is still pending, I consider it appropriate to allow the writ petition as well on the same terms and conditions as in WP.No.11824 of 2010.

9. The writ petition is allowed in part. The Land Acquisition Officer/Revenue Divisional Officer, Chittoor/third respondent is directed to issue notice of enquiry to petitioners and proceed in accordance with law. No order as to costs.

10. As a sequel, Miscellaneous Petitions if any, pending in this writ petition shall stand closed.

JUSTICE S.V. BHATT.

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