

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

W.P.Nos.11034, 11084, 11097, 12967 & 13317 OF 2007

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COMMON ORDER: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

The petitioners pray for Mandamus declaring the proceedings issued by the respondents under Section 4(1) of the Land Acquisition Act (for short 'the Act'), as illegal, unconstitutional and contrary to the A.P. Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 (for short '2006 Act').

This Court granted stay of all further proceedings pursuant to the impugned proceedings. The learned counsel appearing for the petitioner fairly submits that the challenge to acquisition as contrary to 2006 Act is covered by the decision of this Court in **R.VEERA RAGHAVA PRASAD v. DISTRICT COLLECTOR, KRISHNA DISTRICT AT MACHILIPATNAM AND ANOTHER**^[1] and this contention is not pressed.

The petitioner challenges the land notifications issued under Section 4(1) of the Act. The objection against instant notification is that the respondents have not followed the procedure under 2006 Act before acquiring the property. This Court, in the decision referred to above, has taken the view that acquisition of land for public purpose need not be preceded by conversion of land under 2006 Act. The learned counsel appearing for parties consent to disposal of writ petition in terms of **R.VEERA RAGHAVA PRASAD's** case (supra).

The writ petitions are disposed of by leaving it open to the respondents to conduct Section 5-A enquiry and if an enquiry is conducted, the petitioners are given liberty to raise all objections against

the impugned notifications and the authorities are directed to consider the objections and dispose of in accordance with law. No costs.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

ACJ

DILIP B. BHOSALE,

S.V.BHATT,

J
Date: 05.10.2015
Lrkm

[\[1\]](#) 2008(3) ALD 198