

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

W.P.No.12549 OF 2007

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

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

The petitioner prays for Mandamus declaring proceedings Ref:F5/SW/89/2007 dated 28.02.2007 issued by the 1st respondent 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, on 19.06.2007, granted stay of all further proceedings pursuant to the impugned proceedings dated 28.02.2007. 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 notification 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 petition is ordered by leaving it open to the respondents to conduct Section 5-A enquiry and if an enquiry is conducted, the

petitioner is given liberty to raise all objections against notification dated 28.02.2007 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: 08.10.2015

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