

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.2944 OF 2011

ORDER:

Heard learned counsel for the petitioners and the Government Pleader.

The writ petition was taken up for hearing on 26.02.2015 and the petitioners by placing reliance upon **DANDU TRINADHA RAJU AND OTHERS V. DISTRICT COLLECTOR, VISAKHAPATNAM AND OTHERS** and **RAMDAS RAMANNA AND OTHERS V. GOVERNMENT OF ANDHRA PRADESH, REP. BY ITS SECRETARY, ENERGY DEPARTMENT (PR.II) AND OTHERS** contend that as possession is not taken, the dispense with enquiry under Section 5-A by invoking power under Section 17(a) of the Land Acquisition Act is illegal.

At request of learned Government Pleader, the writ petition was adjourned to this day to enable him to produce record/counter affidavit or to get instructions as to whether possession of acquired lands in Sy.Nos.32/13A, 32/17B, 32/9, 32/10B, 32/11B and 32/8A of Kousalyapuram Village, Kottur Mandal, Srikakulam District was taken or not. The learned Government Pleader, on instructions, submits that the urgency clause was invoked and possession of the lands could not be taken for want of budget provision to pay compensation to land owners.

In view of this admitted position, the learned Government Pleader submits that the legal objection raised by the petitioners is covered by the above decisions.

The writ petition is, accordingly, ordered. Section 6 declaration dated 06.10.2009 is set aside and the respondents are given liberty to proceed in the matter in accordance with law by conducting enquiry under Section 5-A of the Land Acquisition Act and proceed further in the acquisition proceedings. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

S.V.BHATT, J

Date:07.04.2015

Stp

