

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.6874 of 2008

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the respondents in proposing to acquire the petitioner's land in an extent of Acs.4.81 cents in survey Nos.184/7, 184/8, 184/20, 184/21 and 184/22 in the Sarpavaram Village, Block No.2, Kakinada Rural Mandal, East Godavari District, in pursuance of Notification under Section 4(1) of the Land Acquisition Act, 1894, and notice issued by the fourth respondent under Sections 9(3) and 10 of the Land Acquisition Act vide proceedings No.B1/1254/2007, dated 08.03.2008 as arbitrary, illegal and violative of principles of natural justice and consequently direct the respondents not to acquire the lands of the petitioner.

This Court, by order, dated 09.08.2007, in W.P.M.P.No.21660 of 2007, ordered interim stay of the proceedings.

Learned counsel for the petitioner submits that the petitioner has filed objections in response to the notice issued under Section 5-A of the Land Acquisition Act, and without considering the said objection, the respondents have passed order rejecting the objections of the petitioner. On the other hand, learned Assistant Government Pleader for Land Acquisition submits that the respondents, on considering the objections raised by the petitioner, have rejected the said objections as invalid and baseless.

In view of the rival submissions and also in view of the facts and circumstances of the case, the respondents are directed to fix a date of hearing for filing objections by the petitioner under Section 5-A of the Land Acquisition Act, and pass appropriate orders after giving an opportunity of personal hearing to the petitioner, within a period of three months from the date of receipt of copy of this order.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

20.04.2015

pln