

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.7798 OF 2007

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

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

The petitioner prays for Mandamus declaring proceedings Rc.G1/747/2007 dated 14.03.2007 of the 1st respondent under Section 6 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.

This Court, on 17.04.2007, granted stay of all further proceedings pursuant to the impugned proceedings dated 14.03.2007. The interim order was made absolute on 28.09.2012. The learned counsel appearing for the petitioner fairly submits that the acquisition is contrary to the A.P. Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 and the said contention is covered by the decision of this Court in **R.VEERA RAGHAVA PRASAD v. DISTRICT COLLECTOR, KRISHNA DISTRICT AT MACHILIPATNAM AND ANOTHER**. Therefore, the said contention is not pressed. The petitioner challenges dispensing with enquiry under Section 5-A of the Act as illegal and contrary to the settled position of law. It is matter of record that the land is acquired for the purpose of bypass road to Pedana Town. The details of Section 4(1) notification, submission of proposals for acquisition etc., *prima facie* show that dispensing with Section 5-A enquiry under the Act is not justifiable. The learned counsel for the respondents do not seriously resist this contention.

Having regard to the above reasons, we are satisfied that the proceedings Rc.G1/747/2007 dated 14.03.2007 can be set aside and it is open to the respondents to initiate enquiry under Section

5-A of the Act and in the enquiry, the respondents to examine all objections and pass appropriate order. The learned counsel for the petitioner, at the time of hearing, further submits that the public purpose does not exist as on date. The said contention is merely noted and it is for the petitioner to make out such objection as and when circumstances warrant in Section 5-A enquiry. All the contentions are left open.

Writ petition is ordered as indicated above. No costs.

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

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 08.10.2015

Lrkm