

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.19466 OF 2007

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 proceedings Rc.No.3712/06/G2 dated 26.12.2006 issued by the 2nd respondent under Section 4(1) of the Land Acquisition Act (for short 'the Act'), notice issued under Section 5-A of the Act and notice issued by the 1st respondent under Sections 9(3) and 10 of the Act in Rc.No.642/2006/A dated 09.08.2007, 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 13.09.2007, granted *status quo* obtaining as on that date with reference to possession of the land.

The learned counsel appearing for the petitioners 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** and this contention is not pressed.

The petitioners challenge Section 4(1) notification by contending 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 directing the respondents to conduct Section 5-A

enquiry pursuant to the notices already issued, in accordance with law, and if an enquiry is conducted, the petitioners are given liberty to raise all objections against notification dated 26.12.2006 and the authorities are directed to consider the objections and dispose of the objections in accordance with law. The petitioners, if are aggrieved by the order passed by the respondents, are given liberty to avail the legal remedy. No costs.

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

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 05.10.2015

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