

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.10753 of 2015

PC: *(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)*

Heard Mr.G.Vidyasagar, learned Senior Counsel for the petitioners and Mr.Krishna Prakash, holding for learned Additional Advocate General for the State.

Mr.G.Vidyasagar, learned Senior Counsel, on instructions, does not press prayers (c) and (d) in the writ petition and seeks liberty to the petitioners to make such prayers in appropriate proceedings. Prayers (c) and (d) are disposed of as not pressed.

It is open to the petitioners to file appropriate proceedings for seeking prayers (c) and (d), if they so desire and advised.

Prayers (a) and (b) in the writ petition read thus:

(a) the Land Pooling Scheme, evolved by the A.P. Capital Region Development Authority Act, 2014 along with the related Notification as illegal, invalid and unconstitutional;

(b) the lands of the petitioners can only be acquired under and in accordance with the "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013".

The petitioners have made these prayers, as submitted by Mr.G.Vidyasagar, apprehending that they will be forced and compelled to surrender their agricultural lands under the Land Pooling Scheme. Insofar as the first prayer is concerned,

Mr.Krishna Prakash, learned counsel appearing for the respondents, on instructions, submits that if the petitioners are not inclined/desirous to join the land pooling scheme evolved by the Andhra Pradesh Capital Region Development Authority Act, 2014 along with the related notifications, they shall not compel or force to join it. The statement made on behalf of the respondents is recorded and accepted. He, however, submits that the respondents, in that eventuality, be allowed to acquire their lands in accordance with law.

In view thereof, we need not examine legality of the scheme and we observe that the respondents shall not force or compel the petitioners for joining the scheme. This, however, shall not preclude the respondents from acquiring the petitioners' lands in accordance with law. In view of the observations made and so also the submissions made by Mr.Krishna Prakash, both the prayers i.e., prayers (a) and (b) in the writ petition deserve no consideration.

In the circumstances, the writ petition is disposed of in terms of this order. It is made clear that as long as the petitioners are in possession of their lands or till their lands are acquired in accordance with law, they can enjoy their lands.

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

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 16.06.2015

Stp/Lrkm

