

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

W.A. Nos. 486,489,485,488,484,481.490,487,483 & 482_OF 2015

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

Heard learned counsel for the appellant and respondents/ land owners.

Andhra Pradesh Housing Board, represented by its Vice Chairman, filed these appeals aggrieved by the common order dated 22.06.2011 in W.P.Nos.91, 90, 1273, 1274, 2172, 2217 of 2008 and 25292 of 2007, common order dated 14.07.2011 in W.P.Nos.27333 and 27720 of 2007 and W.P.No.4609 of 2008 and order dated 27.10.2011 in W.P.No.26987 of 2011.

The respondents herein, who are owners of different extents of land, filed W.P.Nos.91 of 2008, W.P.No.26987 of 2011, W.P.No.2217 of 2008, W.P.No.1273 of 2008, W.P.No.1274 of 2008, W.P.No.2172 of 2008, W.P.No.27720 of 2007, W.P.No.4609 of 2008, W.P.No.25292 of 2007 and W.P.No.27333 of 2007 respectively, challenging Section 4(1) notification dated 16.11.2006 issued under the Land Acquisition Act, 1894. The notification 16.11.2006 was issued at the instance and for the benefit of the appellant for acquisition of subject land for construction of houses by the appellant. Through the orders impugned, the learned Single Judge, having regard to the factual objections and the legal requirement of describing with sufficient details the alleged public purpose under Section 4(1) of the Land Acquisition Act, 1894 and by following the decision in **D.RAMADEVI AND OTHERS V. DISTRICT COLLECTOR**, allowed the writ petitions. It is matter of record that the appellants conceded the applicability of ratio in **RAMADEVI's** case (supra). The extract of common order is as follows:

“At the hearing, it is submitted by
Sri M.R.K.Chakravarthy, learned counsel appearing for the
petitioners in the respective Writ Petitions, that this Court quashed a

similar notification in a judgment reported in **D.Ramadevi and others vs. District Collector, West Godavari District, Eluru, and others (AIR 2009 AP 15)**, and held that the proposed acquisition for an identical purpose viz., construction of houses by the Housing Board and selling them to general public was not for public purpose. Accordingly, while allowing the said Writ Petition and quashing the notification issued under Section 4(1) of the Act, this Court gave liberty to the respondent therein to initiate fresh proceedings in accordance with law and in the light of the findings rendered in the said judgment.

This position is conceded by the learned Government Pleader for Land Acquisition and
Sri D.Ranganatha Kumar, learned Standing Counsel for the A.P. Housing Board, representing respondent No.3.”

With effect from 01.01.2014, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has come into operation. Admittedly, in the case on hand, the land acquisition proceedings were initiated through notification dated 16.11.2006 and have not gone beyond the stage of declaration under Section 6 of the Act.

Firstly, on merits, we are in complete agreement with all the findings recorded by the learned Single Judge and no exception could be taken. Secondly, change of regime of expropriatory legislation i.e., Act 30 of 2013, disentitles consideration of prayers under Act 1894.

We see no merit in the writ appeals and are accordingly dismissed by reiterating the liberty granted in this behalf for initiating fresh acquisition proceedings in accordance with law.

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

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 02.06.2015

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