

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.19 OF 2010

ORDER:

This Writ Petition came to be filed seeking issuance of writ of *mandamus* directing the respondents herein not to acquire the petitioners' land to an extent of Ac.4-02 cents in Survey Nos.281-1 and 281-3 part situated in Nagaram Village and Mandal, Guntur District by setting aside the Notification, dated 14.08.2008, issued by the 2nd respondent as illegal.

2. The averments in the affidavit filed in support of the petition show that the petitioners, who are brothers, are having agricultural lands to an extent of Ac.7-15 cents in D.S.No.281/01 in Nagaram Gram Panchayat, Guntur District. After the demise of their father, the property was divided and each of the petitioner got Ac.1-66 cents. All of them were eking out their livelihood by cultivating the said lands. While things stood thus, the 2nd respondent issued a notice on 14.08.2008 under Section 4 (1) of the Land Acquisition Act, 1894 (for short, 'the Act') to acquire land to an extent of Ac.4-02 cents in survey Nos.281-1 and 281-3 for the purpose of providing house sites to weaker sections under Indiramma Housing Programme. Thereafter a notice under Section 5 (A) was issued on 04.11.2008. The father of the petitioners', who was alive at that point of time, submitted objections stating that they are small farmers and except the present land they have no other land for their livelihood. Then a publication under Section 6 (1) of the Act came to be made on 21.07.2009, but till day, no Award is passed and petitioners continue to be in possession of the land in question.

3. Section 11-A of the Land Acquisition Act, 1894 contemplates that

the Collector shall pass an Award under Section 11 within a period of two years from the date of publication of the declaration and if no award is made within the said period, the entire proceedings shall lapse.

4. Since no award is passed till date in spite of the notification being issued on 21.07.2009, the Land Acquisition proceedings gets lapsed and accordingly, the impugned notice is liable to be set aside.

5. Accordingly, the Writ Petition is allowed setting aside the notice, dated 14.08.2008, issued by the 2nd respondent. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

—

JUSTICE C. PRAVEEN KUMAR

Date:15.12.2015

YVL

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

—

—

—

—

WRIT PETITION No.19 OF 2010

Dt:15.12.2015

YVL