

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WVMP.No.1661 of 2013 in WP.No.856 of 2013

and

WP.No.856 of 2013

ORDER :

Heard the counsel for petitioners, and the learned Government Pleader for Roads and Buildings for 6th respondent.

2. The petitioners have questioned notification R.C.No.4110/2012-G3 dt.07.09.2012 published under Section 4 (1) of the Land Acquisition Act, 1894 and declaration vide proceedings Rc.No.4110/12-G3 dt.20.11.2012 under Section 6 of the Land Acquisition Act, 1894 (for short, 'the Act') in respect of their land in Door Nos.120/A, 120/A and 120/B, 901, 120/A & 120/B, 120/A & 120/B, 120/A & 120/B, 120/A & 120/B, 122/1B/5B, 901, 120/A & 120/B, 901, 646/B, 475 & 476, 120/A & 120/B of Piduguralla Municipal Limits, Piduguralla Mandal, Guntur District.

3. The principal contention of petitioners is that the respondents were not entitled to invoke Section 17(4) of the Act and dispense with the enquiry under Section 5-A of the Act.

4. The issue raised herein was considered by this

Court in WP.Nos.29401 and 39389 of 2012 and WP.No.4351 of 2013, wherein the same notification and declaration were challenged, as in the present case. Those Writ Petitions were allowed holding that respondents were not entitled to dispense with the enquiry under Section 5-A of the Act of 1894, and the declaration issued under Section 6 of the Act was set aside. The respondents therein were directed by this Court to hold enquiry under Section 5-A of the Act and pass appropriate orders on the objections filed by petitioners before proceeding further in the acquisition proceedings.

5. Therefore, for reasons alike, the present Writ Petition is also allowed and the declaration issued vide proceedings Rc.No.4110/12-G3 dt.20.11.2012 under Section 6 of the Land Acquisition Act, 1894 is accordingly set aside, and the respondents are directed to invite objections from petitioners, conduct enquiry under Section 5-A of the Act, and pass appropriate orders thereon. Depending upon the outcome of the enquiry under Section 5-A of the Act, further steps may be initiated by the respondents.

6. Accordingly, the Writ Petition is allowed with the above directions. WVMP.No.1661 of 2013 filed by respondents is dismissed in view of the above order. No order as to costs.

7. As a sequel, miscellaneous petitions pending if

any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 10-03-2016

Ndr/*