

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.5315 OF 2008

ORDER:

This Writ Petition is filed with the prayer, which reads as under:

“To issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in acquiring the lands of the petitioners situated in Sy.No.301/6 admeasuring Ac.2.06 cents and Sy.No. 301/2 admeasuring Ac.2.18 cents in Ramavaram Village, Jaggampet Mandal, East Godavari District vide Notification Ref.No.1084/2006 dated 21.5.2007 though, the petitioners have submitted the objections U/s 5(A) of the Land Acquisition Act and without explaining any proper reason for acquisition as illegal, arbitrary, erroneous, highhanded and violative of Article 300-A of the Constitution of India and consequently set-aside the notification vide Ref.No.1084/2006, dated 21.5.2007, and pass such other order or orders as this Hon'ble Court may deem fit and proper.”

2. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Land Acquisition.

3. Though notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') was issued on 08.05.2007 and though the petitioners have filed objections under Section 5A of the Act, admittedly, no

award is passed as on today. In view of the same, the proceedings under the Land Acquisition Act lapse as per Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In the judgment of the Honourable Supreme Court in **Karnail Kaur and others v. State of Punjab and others**^[1], relied on by the learned counsel for petitioners, it is held thus:

“16. The above said provisions of Section 24 (2) of the Act of 2013 quoted above has been interpreted by the three Judge Bench of this Court in the case of Pune Municipal Corporation (AIR 2014 SC 982 : 2014 AIR SCW 787) (supra), the relevant paras 20 and 21 from the case are extracted hereunder:-

"20.....it is clear that the award pertaining to the subject land has been made by the Special Land Acquisition Officer more than five years prior to the commencement of the 2013 Act. It is also admitted position that compensation so awarded has neither been paid to the landowners/persons interested nor deposited in the court. The deposit of compensation amount in the Government treasury is of no avail and cannot be held to be equivalent to compensation paid to the landowners/persons interested. We have, therefore, no hesitation in holding that the subject land acquisition proceedings shall be deemed to have lapsed under Section 24(2) of the 2013 Act.

21. The argument on behalf of the Corporation that the subject land acquisition proceedings have been concluded in all respects under the 1894 Act and that they are not affected at all

in view of [Section 114\(2\)](#) of the 2013 Act, has no merit at all, and is noted to be rejected. [Section 114\(1\)](#) of the 2013 Act repeals the 1894 Act. Sub-section (2) of [Section 114](#), however, makes [Section 6](#) of the General Clauses Act, 1897 applicable with regard to the effect of repeal but this is subject to the provisions in the 2013 Act. Under [Section 24\(2\)](#) land acquisition proceedings initiated under the 1894 Act, by legal fiction, are deemed to have lapsed where award has been made five years or more prior to the commencement of the 2013 Act and possession of the land is not taken or compensation has not been paid. The legal fiction under [Section 24\(2\)](#) comes into operation as soon as conditions stated therein are satisfied. The applicability of [Section 6](#) of the General Clauses Act being subject to [Section 24\(2\)](#), there is no merit in the contention of the Corporation.”

4. In view of the same, the Writ Petition is allowed and the proceedings initiated under the Land Acquisition Act shall be deemed to have been lapsed. However, it is open for the respondents to initiate fresh land acquisition proceedings, if the subject land is still required for any public purpose.

5. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

REDDY, J
March 02, 2016
MD

A. RAJASHEKER

^[1] AIR 2015 SC 2041