

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.11297 of 2008 & 22154 of 2009

COMMON ORDER:

These two writ petitions are being disposed of by this common order as the same notification is under challenge by different writ petitioners.

The only ground raised in these writ petitions is with regard to the non-conduct of enquiry and proceeding with Section 6 declaration. Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') was issued on 09.04.2008 proposing to acquire lands of an extent of Hect. 4.44.5 for construction of Housing Colony for the displaced families of Boddepalli Rajagopala Rao (Vamsadhara) project of Stage II of Phase II, whose lands were acquired for excavation of canals of Hiramandalam Reservoir. The lands are situated in Mallikharjunapuram Village. Section 6 declaration was published on 21.05.2008. The purpose for which the lands are sought to be acquired is for construction of Housing Colony for the displaced persons by virtue of earlier land acquisition. It can certainly be called as an urgent need, but unfortunately by virtue of the stay granted by this Court way back in the year 2008, no further steps could be taken. In the meanwhile, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act 30 of 2013') came into force with effect from 01.01.2014.

Learned counsel for the petitioners submits that the very fact of filing the vacate petition in the year 2014 shows that no urgency was involved in order to dispense with the enquiry under Section 5-A of the Act, but Section 6 declaration was already published by dispensing with the enquiry under Section 5-A of the Act and by virtue of the stay orders, further proceedings were not taken.

However, the declaration under Section 6 cannot be set aside at this juncture taking into consideration the purpose for which the land is sought to be acquired. The land already held to be for public purpose by publication of Section 6 declaration. In the circumstances and in view of the Act 30 of 2013, the respondents can go ahead with the further proceedings in accordance with Section 24(1)(a) of the Act 30 of 2013.

With the above observations, these Writ Petitions are disposed of. No order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

26.10.2016
MVA