

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.193 OF 2010

ORDER:

The petitioners claim that they are the absolute owners of an extent of Ac.1.67 cents of land in Sy.Nos.123/21 to 25 of Pudimadaka village, Atchutapuram Mandal, Visakhapatnam District. They established a salt producing unit under the name and style of 'Ambica Salt Company', which is being run for the last 50 years. They constructed a pucca RCC building for the purpose of quarters to the workers. They also constructed 3 kitchen sheds, toilets and show room for running the salt company. While so, on 05-01-2010, when some people came to the company and enquired about the extent of land for taking possession of the land pursuant to Land Acquisition proceedings, the petitioners approached this Court by filing the present writ petition.

2. This Court, vide order, dated 12-01-2010 granted status quo, as a result of which, no further proceedings were conducted. Seeking vacation of the same, WVMP No.1023 of 2015 was filed by the 2nd respondent stating that a requisition for acquisition of the land was sent by the Zonal Manager, Visakhapatnam, for an extent of Ac.331.59 cents in Pudimadaka village, Atchutapuram Mandal, Visakhapatnam District for expansion of SEZ in Block No.8 to 14 of Pudimadaka village. A notification was issued for an extent of Ac.298.24 cents after omitting Government land on 24-01-2007 invoking urgency clause under Section 17 (4) of the Land Acquisition Act by dispensing with 5-A enquiry. Thereafter, the draft declaration was published on 08-02-2008. A notice was issued for conducting award enquiry on 14-05-2008 and award enquiry was conducted on the same day. But the ryots/land owners have refused to part with their lands as the rate fixed by the Joint Collector was found to be low. However, taking into consideration the value fixed for the land of the neighbouring villages, it was agreed to pay Rs.5 lakhs per acre for the lands

under acquisition. 12 ryots in Sy.No.123/1 to 20 for an extent of Ac.5.27 cents have attended the award enquiry on 31-12-2009 and expressed their consent for acquisition of the land. Accordingly, consent award was passed to the said extent. In respect of remaining extent of land of Ac.25.73 cents, since no consent was given, award was passed excluding the land covered by interim orders. The petitioners have neither attended the award enquiry nor produced any document.

3. Today, when the matter is taken up for consideration, learned Government Pleader on the basis of written instructions submits that no award was passed in respect of land claimed by the petitioners in the present writ petition, in view of status quo orders granted by this Court in this writ petition. In the meanwhile the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 came into force. By virtue of operation of Section 24 (1) (a) of the Act, the L.A.O. has to follow the said provisions in respect of further proceedings, since no award is passed.

4. Recording the above facts, the writ petition is disposed of giving liberty to the Land Acquisition Officer to take further steps in accordance with law. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 09-11-2016

Hsd