

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P.NO.20270 OF 2007

O R D E R

Heard Mr. T.Niranjan Reddy learned Senior Counsel for petitioner, the Assistant Government Pleader (Land Acquisition) and Mr. S.S.Varma learned counsel for respondents 1 to 3.

The petitioner prays for the following relief:

“Direction declaring the action of the respondents herein, in dispossessing the petitioner from the land measuring an extent of 322.81 sq. yards of land situated in TS No.146, Sy.No.22 of Maddilapalem village, Visakhapatnam District (abutting NH-5) without following due process of law as arbitrary, illegal and unconstitutional and consequently direct the respondents not to interfere with the possession and enjoyment of the petitioner over the said land.”

On 24.09.2007, this Court directed the respondents not to dispossess the petitioner from the land in question and the said order is subsisting as on date. Respondent No.1 filed WVMP.No.3300 of 2007 and respondent No.4 filed WVMP.No.126 of 2008.

The fact in issue for consideration in the instant writ petition is, whether the respondents are justified in interfering with and encroaching into the petitioner's land instead of restricting the enjoyment to the extent of land acquired by them through award dated 21/92 dated 10.09.1992?

The counter affidavit no doubt attempts to show that the assertion of petitioner is firstly incorrect and secondly cannot be gone into in a petition filed under Article 226 of Constitution of India.

The Assistant Government Pleader places on record letter in Rc.No.95/2016/SA dated 29.08.2016. The operative portion reads thus:

“I submit that as per the instructions of the Government Pleader (Land Acquisition) I along with the field staff i.e., Surveyors and Revenue Inspector have inspected the land in question on **29-8-2016** and it revealed that the land measuring an extent of Ac.2.05 ½ in S.Nos.19/3P, 22P, 30/1BP, 30/3 EP, 42/2P, **43/2P** of Maddilapalem village which were acquired through **Award No.21/92** on 10.09.1992 was fully utilized by the NH-5 (NH-16) authorities by way of forming roads except the award passed land, no other extent was acquired by the NH-5 (NH-16) till today in S.No.22 of Maddilapalem village and no further developments were made and whereas the land measuring an extent of 322.81 sq. yards of land situated in T.S.No.146, S.No.22 of Maddilapalem Village (abutting NH-5) is also not acquired till today and not encroached by the NH-5 (NH-16) authorities.”

(Emphasis added)

From the latest instructions it is evident that the area acquired under land acquisition proceedings and the un-acquired area was surveyed and demarcated on 29.8.2016. The Land Acquisition Officer states that firstly the land acquired is already utilized and secondly as at present, there is no proposal for acquisition of further land from petitioner.

Having regard to the latest instructions of Assistant Government Pleader (Land Acquisition), the writ petition is ordered by making the interim direction granted by this court on 24.09.2007 as final order in this writ petition. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

AVS

30—08—2016