

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.23628 OF 2007

ORDER:

Heard Sri Amruthraj, counsel for the petitioner and learned Assistant Government Pleader for Land Acquisition.

2. The petitioner is challenging land acquisition proceedings issued in R.C.No.1361/2006, dated 18.10.2006, on various factual and legal grounds. On 21.11.2007, this Court while admitting the Writ Petition passed the following interim order:

“There shall be interim stay of dispossession. The respondents are permitted to complete the other legal formalities”.

The said interim order is subsisting as on date. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, ‘the Act’) has come into operation with effect from 01.01.2014.

3. Learned counsel for the petitioner placed strong reliance upon decisions of the Hon’ble Supreme Court reported in **Magnum Promoters Private Limited Vs. Union of India and Others**¹ and **Sharma Agro Industries**² and contended that by operation of Section 24 (2) of the Act, as possession is not taken and compensation is not paid, land acquisition proceedings get elapsed. Hence, prays to quash the land acquisition proceedings.

4. Learned Assistant Government Pleader for Land Acquisition states that the proposition of law canvassed by the petitioner is

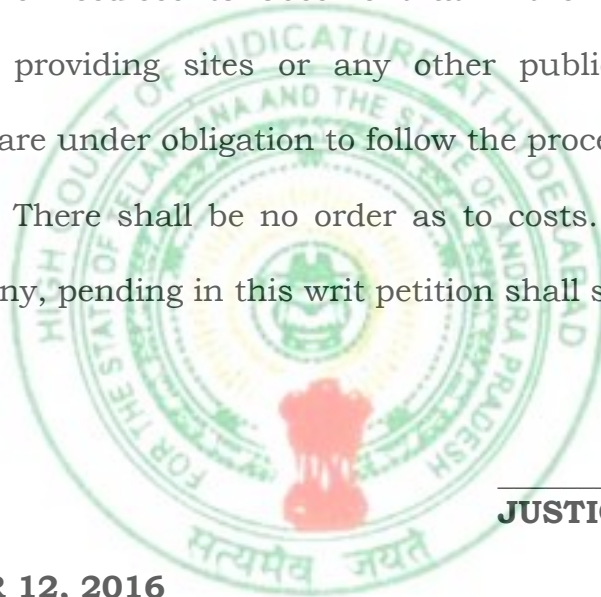
¹ (2015) 3 Supreme Court Cases 327

² (2015) 3 Supreme Court Cases 341

covered by decisions referred to above, however, according to his instructions, the subject land is required for providing house sites in the subject village, therefore, liberty may be granted to the respondents to proceed in accordance with law.

5. I have perused citations referred to above and taken note of submissions of the respondents.

6. Having regard to the proposition of law constituted, the Writ Petition is allowed and the land acquisition proceedings are quashed. It is needless to observe that if the subject land is required for providing sites or any other public purpose, the respondents are under obligation to follow the procedure under Act 30 of 2013. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.



JUSTICE S.V. BHATT

SEPTEMBER 12, 2016
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Dt: 12.09.2016

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