

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.27517 of 2005

ORDER:

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

Petitioners state that possession of their lands was taken in the year 1977 for formation of Nakkalapalli - Pownoor road. A notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') was issued on 22.07.1988 and was published in the A.P. State Gazette on 29.09.1988. Declaration under Section 6 of the Act was made on 29.09.1988. Since no award was passed within the prescribed time, the proceedings stood lapsed under Section 11A of the Act. However, in view of the law prevailing at that time, an award was passed on 24.06.1998 and amount was paid to some landholders. The petitioners filed W.P.No.9352 of 1999 seeking issuance of fresh notification and this Court by order, dated 29.12.1999 directed issuance of fresh notification. W.A.No.508 of 2000 preferred against the said order was dismissed on 12.02.2002. Accordingly, a fresh notification was published under Section 4 (1) of the Act on 28.03.2003 and the declaration was made on 09.04.2003. Thereafter, an award was passed on 19.06.2003. Since the petitioners were not allowed to write the words 'under protest' in the said award, they submitted application seeking reference under Section 18 of the Act within the prescribed time. In spite of receipt of the said application, when the matter was not referred to the civil Court, the present writ petition was filed.

The petitioners are residents of Kundaram Village, Jaipur Mandal, Adilabad District and in respect of the said village, an extent of 11.33 acres was involved. Even after lapse of eleven years, no counter-affidavit is filed by the respondents and the petitioners also did not file the required proof of sending the application by Registered Post, even though in the affidavit, it was stated that the application seeking reference was sent by Registered Post in July, 2003.

This Court is not inclined to keep the writ petition pending as no response is forthcoming from the respondents even after giving sufficient time.

In the circumstances, the writ petition is disposed of directing respondent No.1 to verify the record available with him, and if an appropriate application was filed by the petitioners within the prescribed time and if no reference was made till now, respondent No.1 shall take appropriate action for making reference under Section 18 of the Act in respect of the Award passed in proceedings No.A/1911/95, dated 19.06.2003, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO,J

Dt:07.12.2016

kdl