

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.Nos.19661 & 20472 of 2008

ORDER

Since the issue involved in both the writ petitions is one and the same, they are being disposed of by this common order.

Challenging the notification dated 19.3.2008 issued under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act'), and declaration under Section 6 of the Act made on 29.8.2008 by the District Collector, Kakinada, proposing to acquire land for the purpose of providing house sites to weaker sections under Indiramma Scheme, both the writ petitions are filed.

While admitting the writ petitions, this Court granted interim stay on 11.09.2008 & 19.9.2008 respectively. The said orders have been in operation till today. In the meanwhile, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act') came into operation with effect from 1.1.2014.

As can be seen from the record, the Land Acquisition Officer should have passed an award within a period of two years from the date of publication, failing which, proceedings would lapse under Section 11-A of the Land Acquisition Act, 1894 (for short 'the Act'). Section 24 (1)(A) of Act 30 of 2013 states that if no award was passed under Section 11 of the Act in respect of the proceedings initiated under the Act 1894, any of the provisions of new Act 30 of 2013 relating to determination of compensation, rehabilitation and resettlement shall apply. The effect of Section 11-A of Act 1894 and

Section 24 (1) (A) of Act 30 of 2013 came up for consideration before the Supreme Court in *Laxmi Devi v. State of Bihar*¹ & *Soorajmull Nagarmull v. State of Bihar and others*², wherein finding some inconsistency in reconciling the provisions, it has ultimately been held that the proceedings stood lapsed and hence the respondents were directed to initiate fresh acquisition proceedings or take any action in accordance with law, if possession was already taken. If possession was not taken, it was left open to the respondents to take appropriate proceedings, if they want to acquire the land.

In the circumstances, both the writ petitions are allowed holding that proceedings of the acquisition pursuant to the declaration made on 29.8.2008 stood lapsed. If the respondents want to acquire the land, they shall initiate fresh proceedings in accordance with law. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

16th November, 2016
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¹ (2015) 10 SCC 241

² (2015) 10 SCC 270

