

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No. 2436 of 2016

ORDER:-

I have heard Sri B.Shankar, learned counsel for the petitioner, and Sri P.Krishna Reddy, learned Government Pleader for Revenue.

2. Petitioner questions proceedings issued under Sections 5-A, 9(3) and 10 of the Land Acquisition Act, 1894. The proceedings under Section 5-A of the Act were concluded by considering all objections as early as on 26.07.2013. Though no details of Section 6 notification are mentioned by the petitioner, it is evident from Ex.P2 that the Award has been passed on 26.09.2015 and notice of Award was given to the petitioner as early as on 31.12.2015. On the same day petitioner was also given notice to vacate and deliver the effected land to the GHMC on 18.01.2016. Neither of these proceedings are questioned in this writ petition. Thus without questioning the acquisition proceedings namely either notification under Section 4(1) and 6 or the Award, petitioner merely questions the report issued under Section 5-A and notice requiring possession given long back under Sections 9(3) and 10 of the Act.

3. Though learned counsel for the petitioner states that the extent of land effected is wrongly calculated by the respondents and his constructed portion cannot be demolished for the purpose of the 100 feet road widening proposed, I am unable to see any justification for the said grievance in the light of the deficiencies pointed out above. Though learned counsel for the petitioner was appraised of these deficiencies, he justifies the presentation of the writ petition.

In view of the ratio of the Supreme Court in ***Swaika Properties Pvt. Ltd. V.***

State of Rajasthan^[1], petitioner is not entitled to question the acquisition proceedings after the Award is passed.

Hence, the Writ Petition is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

January 28, 2016
LMV

VILAS V. AFZULPURKAR, J

[\[1\]](#) (2008) 4 SCC 695