

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

WRIT APPEAL No.662 OF 2016

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

It is not in dispute that the appellant had the benefit of an interim order of stay of dispossession ever since 2009. While the counter affidavit filed by the Land Acquisition Officer records that the land of the 1st petitioner was not the subject matter of acquisition, it is the case of the learned Government Pleader for Land Acquisition that the 1st petitioner's lands were not acquired. Sri B. Narayana Reddy, learned Assistant Solicitor General, would, however, submit that it is the specific case of the DRDL, which is the beneficiary of the subject acquisition, that the entire lands, including that of the 1st petitioner, were under acquisition.

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All the Learned counsel are in agreement that the averments in the counter affidavit filed by DRDL, along with the petition to vacate stay, were not brought to the notice of the learned Single Judge. They would request that the matter be remanded for consideration afresh by the Learned Judge.

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As the contents of the counter affidavit, filed along with WVMP.Nos.856 and 4397 of 2012, do not appear to have been brought to the notice of the learned Single Judge, and the order under appeal was passed in ignorance thereof, the order in WVMP No.856 of 2012 and 4397 of 2012 in W.P.No.3524 of 2009, and in W.P.No.3524 of 2009, dated 29.06.2016 are set aside, and the WVMPs and the Writ Petition are restored to file. Needless to state that, as the writ petition has been restored to file, the interlocutory order passed earlier in the writ petition would revive, and continue to remain in force either till it is vacated or the Writ Petition is finally disposed of.

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The Writ Appeal is disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

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(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

09th August 2016

JSU

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