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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.7867 of 2012

ORDER ::

The petitioner is owner and possessor of lands in different extents situated in Sy.Nos.259/1A, 260,262,280,283/2P and 284/P of Budampadu village, Guntur Mandal and District. The petitioner challenge the proceedings of the 1st respondent-District Collector, Guntur, dated 15-02-2011 issued under Section 4 (1) of the Land Acquisition Act, (for short "the Act") seeking to acquire the lands in question for land bank by Vijayawada-Guntur-Tenali-Mangalagiri Urban Development Authority (VGTMUDA), on the ground that the purpose for which it is being acquired is vague and not a public purpose.

2. Heard learned counsel for the petitioner and the learned Standing Counsel for the respondents.

3. It is contended by learned counsel for the petitioner that the writ petition is liable to be allowed for the reason that the draft notification under Section 4 (1) of the Act was issued on 15-02-2011, and no declaration as required under Section 6 of the Act could be issued within a period of one year, and as such, the impugned acquisition proceedings automatically

lapsed in view of proviso (ii) to Section 6 of the Act. The learned Standing Counsel, basing on written submissions submitted that draft declaration under Section 6 of the Act could not be published as land owners have not allowed the staff to enter the village and held agitations. In that view of the matter, the other grounds raised in the writ petition need not be gone into. Inasmuch as the impugned proceedings lapsed, as no declaration as required under Section 6 of the Act could be issued, within one year from the date of draft notification, on this ground alone the writ petition is allowed the impugned proceedings are quashed. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. No order as to costs.

A. RAJASHEKER REDDY, J

Dated: 18th March, 2016
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