

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.3369 of 2016

ORDER :

This is an unfortunate case where petitioners were deprived of possession of their land in the year 1980 for the purpose of formation of a diversion road due to formation of a new tank across 'Muthyalavagu' near Mukkamalla Village by respondents without following due process of law.

2. After several representations were made by petitioners to initiate proceedings under the Land Acquisition Act, 1894 (**for short, 'the Act'**) the 3rd respondent issued a notification under Section 4 (1) of the Act in 2012 and also a draft declaration under Section 6 of the Act which was published in the Andhra Pradesh Gazette D.D.No.20/Knl. Dt.13.10.2012. Subsequently, a draft addendum to the draft declaration was also published in the District Gazette on 10.05.2013. However, no action was taken thereafter and no award was passed.

3. The petitioners contend that the proceedings for acquisition have also lapsed by virtue of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (**for short, 'the 2013 Act'**). Since no award had been

passed prior to 01.01.2014, the petitioners therefore seek payment of compensation from respondents under the said Act to them.

4. This Writ Petition had been filed on 03.02.2015 and papers were served on the learned Government Pleader for Irrigation. Thereafter, the matter was then listed on 05.02.2016, 09.02.2016, 23.02.2016 and 08.03.2016. Although time was sought by the learned Government Pleader for Irrigation on 09.02.2016, 23.02.2016 and 08.03.2016 and was granted, till date no counter-affidavit is filed. Therefore, it is treated that respondents are not inclined to file any counter-affidavit in the matter.

5. Since there is no dispute that the lands of petitioners were acquired for the above purposes, the Writ Petition is allowed and respondents are directed to pay compensation to petitioners by initiating proceedings under the 2013 Act within a period of four (04) months from the date of receipt of a copy of the order. No order as to costs.

6. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 31-03-2016

Ndr/*

Note : The Registry is directed to communicate the order to 1st respondent.

B/o.

Ndr/*