

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.9028 of 2009

ORDER:

Heard Mr.P.Narahari Babu for petitioner and the learned Assistant Government Pleader for Land Acquisition.

2. The petitioner challenges notification Roc.No.1522/2007/SDT, dated 11.09.2008, issued under Section 4(1) of Land Acquisition Act, 1894 (for short, 'the Act') proposing to acquire an extent of Ac.6.91 cents in Survey No.110-1 of Manesamudram Village, Hindupur Mandal, Anantapur District, as illegal, arbitrary and unconstitutional.

3. On 29.04.2009, this Court granted the following interim direction:

“There shall be interim direction to the respondents not to dispossess the petitioner from his land, until further orders. However, the other proceedings may go on as per law. Notice.”

4. The respondents filed petition to vacate the interim order.

5. At the time of hearing, one of the contentions raised by Mr.Narahari Babu is that even assuming that the notification impugned in the writ petition is legal, but on account of the respondents not passing award under Section 11-A of the Act within the time prescribed, the land acquisition proceedings are lapsed. The

dates referred to above clearly show that the respondents failed to comply with both the declaration under Section 6 of the Act and even if a declaration is published the award is not passed within two years from the date of draft declaration. For either of the reasons, the land acquisition proceedings cannot be allowed to be continued.

6. Accordingly, the writ petition is ordered by setting aside the land acquisition proceedings impugned in the writ petition.

7. Miscellaneous petitions, if any, pending, shall stand closed. No order as to costs.

13th September 2017

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S. V. BHATT, J