

HON' BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.10650 of 2007

ORDER:

This writ petition is filed to declare the impugned notification dated 05.05.2007 issued under Section 4(1) of the Land Acquisition Act (for short 'the Act') by the 2nd respondent seeking to acquire the lands of the petitioners, as illegal and arbitrary.

2. Brief facts of the case, according to the petitioners, are that the petitioners are the owners of the land in various extents in various survey numbers as described in the writ petition. While so, the respondents issued impugned notification dated 05.05.2007 under Section 4(1) of the Act for acquisition of the lands of the petitioners for the purpose of construction of houses for town public under 'Jawaharlal Nehru National Urban Renewal Mission Programme'. It is stated that in and around the notified area, there are plenty of government lands and the said notification has been issued mechanically without applying mind. The petitioners are small farmers, that the impugned notification is vague and the description of the petitioners' names as land owners are also vague. Hence, the writ petition.

3. This writ petition was admitted on 23.05.2007 and an interim stay was granted by this court on 05.06.2007.

4. When the matter came up for hearing, learned counsel for the petitioners submitted that the present writ petition is squarely covered by judgment dated 25.07.2017 of this court in WP No.10656 of 2007 & batch. The said batch of writ petitions i.e., WP No.10656 of 2007 & batch were allowed basing on the judgment dated 13.06.2013 in WP

No.13366 of 2007 & batch. WP No.13366 of 2007 and batch was allowed following the judgment in WP No.4360 of 2007 & batch dated 04.06.2010.

5. WP No.4360 of 2007 was filed questioning the notification dated 14.02.2007, through which the District Collector, Krishna, proposed to acquire Ac.102.39 cents of land in various survey numbers of Ambapuram Village 'for development of township' by the Vijayawada, Guntur, Tenali and Mangalagiri Urban Development Authority. In the said writ petitions, it was contended that the purpose mentioned in the notification was vague and uncertain. The said writ petition was allowed following the judgment of this court on '*Gajjela Narsimha Reddy vs. Collector, Ranga Reddy District*¹.' While disposing of the said writ petitions, this court observed as under:

"It is mentioned in the impugned notification that the land is acquired 'for the purpose of development of township'. Though that may constitute the public purpose, the authorities were required to be specific and clear as to the nature of the project and other particulars thereof. The Supreme Court held that if the purpose mentioned in the notification is vague, the acquisition proceedings get vitiated.

In the recent past, this Court dealt with the identical question in respect of proposed acquisition for the benefit of Hyderabad Urban Development Authority in Gajjela Narsimha Reddy's case (1 supra). The notification under Section 4(1) of the Act in which the purpose was mentioned as "development of township" was held to be contrary to law. Accordingly, the notification was set aside. The judgment applies in all its force to the facts of the present case also."

¹ 2008(5) ALD 302

6. The learned Government Pleader did not dispute the fact that the present writ petition is covered by judgment in WP Nos.10656 of 2007 & batch dated 25.07.2017.

7. In the present writ petition, notification dated 05.05.2007 issued under Section 4(1) of the Act, reads as follows:

“The District Collector, Krishna District felt that the lands mentioned here in below admeasuring Ac.38.44 cents situated in Jakkampudi Village, Vijayawada Rural Mandal, Krishna District are required for construction of houses for town public under Jawaharlal Nehru National Urban Renewal Mission Programme.”

8. As the notification is vague, following the judgment in WP No.10656 of 2017 & batch dated 25.07.2017, the land acquisition proceedings are vitiated and the impugned notification is liable to be set aside.

9. The writ petition is, accordingly, allowed setting aside the impugned notification dated 05.05.2007. No order as to costs. Pending miscellaneous petitions, if any, in this writ petition, shall stand closed.

Date: 04.12.2017
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KONGARA VIJAYA LAKSHMI, J

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