

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5650 OF 2008

ORDER:

The writ petition is filed questioning the action of the respondents in issuing the notification issued under Section 4(1) of the Land Acquisition Act, 1894.

It is the specific contention of the petitioners that there was an existing road and absolutely no requirement of acquiring the land.

This court while ordering notice before admission, gave a direction to the respondent authorities not to dispossess the petitioners from the possession.

Learned Government Pleader for Land Acquisition submits that the award was made on 3.4.2008. It is admitted that the compensation awarded under the Award dated 3.4.2008 was not paid. In view of the stay granted by this Court, no possession was also taken by the respondent authorities. In those circumstances and in view of the repeal of the Land Acquisition Act, 1894 and by operation of Section 24(2) of the Act 30 of 2013, the land acquisition proceedings shall be lapsed. The issue is no more *res integra* and the issue is settled by the judgments of the Supreme Court in **Sharma Agro Industries vs. State of Haryana and others**¹ and also in the case of **Radiance Fincap Private Limited and others vs. UOI and others**² and also in **Sri Balaji Nagar Residential Association vs. State of T.N.**³

In view of the above, the writ petition is allowed setting aside the notification issued by the respondent authorities under Section 4(1) of the Land Acquisition Act, 1894. However, it is made clear that in the event of the land is required for the purpose of laying the road, it is left open for the respondent authorities to initiate appropriate land acquisition proceedings in accordance with the provisions of the Act, 30 of 2013. Miscellaneous Petitions, if any, pending in this writ petition shall also stand dismissed. No order as to costs.

CHALLA KODANDA RAM,J

Date:26.07.2017

¹ (2015) 3 SCC 341

² (2015) 8 SCC 544

³ (2015) 3 SCC 353

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