

Writ Petition No.20817 of 2009

ORDER:

Section 4(1) notification issued by the 1st respondent dated 04.08.2009 is questioned, in this Writ Petition, as being arbitrary and illegal, on the ground that the petitioner's objections to the acquisition were not considered.

Sri P.Gopal Das, learned counsel for the petitioner, would submit that since the order of *status quo*, passed by this Court, in a Writ Petition filed questioning the Section 4(1) notification, was in force for a period of only two weeks, nothing prevented the respondents thereafter to pass an award; and, since no award has been passed before 31.12.2013, the acquisition proceedings lapsed in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (hereinafter called the "Act").

It is no doubt true that this Court had initially granted an order of *status quo* on 05.10.2009, which was extended by four weeks by order dated 19.10.2009, again extended by four weeks by order dated 10.11.2009, and finally by eight weeks by order dated 15.12.2009. The fact, however, remains that, from March, 2010 onwards, there is no order of *status quo* in force; and, consequently, nothing prevented the respondents from passing an award under the Land Acquisition Act, 1894.

As no contentions have been urged before us regarding the validity of the Section 4(1) notification, it is wholly unnecessary for us to dwell on whether or not the acquisition proceedings lapsed, as there is no material on record to show whether or not an award was passed before or after 01.01.2014. Suffice it, while dismissing the Writ

Petition, to make it clear that this order shall not preclude the petitioner from instituting independent legal proceedings in support of her claim that the land acquisition proceedings, instituted in terms of the Section 4(1) notification dated 04.08.2009, have lapsed.

The Writ Petition is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

15th September, 2017
JSU



THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN



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Date: 15.09.2017

JSU