

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.25400 of 2006

ORDER:

This Writ Petition is filed questioning the notification bearing No.G2/2535/2006, dated 22.08.2006 issued by the 1st respondent—District Collector, East Godavari District at Kakinada, under Section 4 (1) of the Land Acquisition Act 1 of 1894 and all further proceedings pursuant thereto including the Order of the 2nd respondent—Joint Collector, East Godavari District at Kakinada, vide proceedings dated 31.10.2006 as illegal.

2) Brief facts, according to the petitioners, are that the petitioners are small farmers. The 1st respondent has issued notification on 22.08.2016 proposing to acquire their lands for providing house sites for beneficiaries under Indiramma Adarsa Village Scheme. Pursuant to the same, the petitioners got issued notices submitting their objections to the 3rd respondent on 10.10.2016, pursuant to which, the petitioners received the order of the 2nd respondent, vide proceedings No.G2/2535/2006, dated 31.10.2006 from the office of the 3rd respondent, stating that the 2nd respondent rejected their objections and directed the 3rd respondent to take further action. On the same day, the 1st respondent has issued draft declaration under Section 6 of the L.A Act stating that the said land is acquired for Indiramma scheme.

3) The Writ Petition was admitted on 06.12.2006 and interim stay was granted on the said date.

4) When the matter came up for hearing, learned Government Pleader for Land Acquisition (AP) placed before this Court the report of the RDO, Kakinada, dated 07.11.2017, which reads as under:

“...I submit that an extent of land Ac.3.49 cts in S.No.172/1 etc., in Mangiturthi Village of Pithapuram Mandal has been notified for acquisition of land for providing house sites to the weaker section people under SWLA. Out of that an extent of Ac.0.83 cents and Ac.0.65 cents, which were free from court litigation was lapsed and remaining extent covered under court orders.

I further submit that the Old L.A. Act was repealed and New L.A. Act was introduced w.e.f., 01.01.2014. In the instant case award was not passed and land was not taken into possession due to Court orders.

In the above circumstances, fresh L.A. Proposals will be initiated to acquire the required land under the provision of New L.A. Act after receipt of instructions from the Government regarding L.A. for house sites...”

5) In view of the aforestated written instructions of the RDO, Kakinada, no further orders are necessary in this writ petition.

6) Accordingly, the Writ Petition is closed. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Dt:26.12.2017

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Date:26.12.2017

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