

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.18388 OF 2008

Date 21.06.2017

W.P.No.18388 of 2008

Between:

P.Sudha Madhavi.

... Petitioner

AND

The District Collector/Land Acquisition Officer,
Visakhapatnam and others.

.....Respondents



HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.18388 of 2008

ORDER:

Petitioner questions Section 6 declaration for acquisition of her lands in Sy.Nos.35-1A, 35-1B, 35-2, 36-1 and 36-2, 37-1A, 37-1B, 37-1C, 95-1 situated at Pudimadaka Village, Atchutapuram Mandal, Visakhapatnam District, for expansion of Integrated Special Economic Zone through APIIC.

Facts, in brief, are that different extents of lands belonging to the petitioner were proposed to be acquired for the purpose of Integrated Special Economic Zone.

While admitting the Writ Petition, this Court granted stay of dispossession.

Though various grounds have been raised by the petitioner, learned counsel for the petitioner fairly submits that, large number of cases have already been disposed of with respect to the very same notification, which is the subject matter of the present writ petition, directing the Government to complete land acquisition proceedings in accordance with law; the Land Acquisition Act, 1894, stands repealed by virtue of Section 114 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'Act 30 of 2013'); in terms of Section 24(1) (a) of Act 30 of 2013,

notification issued under the Land Acquisition Act, 1894, would still be valid and award need be passed, however, determination of compensation have to be in accordance with Act 30 of 2013; and relied on the judgment of the Supreme Court in **Aligarh Development Authority v. Megh Singh**¹.

Learned Government Pleader for Land Acquisition does not dispute the submission made by the learned counsel for the petitioner.

The facts not being in dispute, it may be noted that the writ petition came to be filed on 21.08.2008 and stay of dispossession was granted by this Court while admitting the writ petition. By the time of petitioner filing writ petition, Section 6 declaration under the Land Acquisition Act, 1894, was already made which conclusively declares that the land is required for the stated public purpose. As a matter of fact, the other cases, filed questioning the notification, were also disposed of by this Court from time to time. This Court passed order, in W.P.No.13796 of 2006 dated 07.07.2006, directing to conduct enquiry under Section 5A of the Act. On account of subsequent developments and, particularly, in view of the draft declaration having been made on 03.04.2007, now what is required to be done is passing of award taking into consideration Section 24 of Act 30 of 2013.

¹ (2016) 12 SCC 504

In the light of the legal position, and the subsequent developments, the writ petition is disposed of with a direction to the competent authority to make award keeping in view the provisions of Act 30 of 2013, in particular, Section 24(1)(a) of Act 30 of 2013. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of the order.

Miscellaneous petitions pending, if any, in the writ petitions shall stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 21.06.2017
usd

