

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.1102 of 2009

ORDER:

Heard Mr. S. Lakshmi Narayana Reddy for petitioner and the learned Assistant Government Pleader (Land Acquisition) for respondents.

2. The petitioner challenges initiation and continuation of land acquisition proceedings of 1st respondent through Ref.No.SWLA/ 7061/ 08 dated 03.06.2008 and draft declaration under Section 6 the Land Acquisition Act (for short 'the Act')dated 06.01.2009, as illegal and arbitrary and are lapse under Section 11-A of the Act.

3. The respondents, through 4(1) notification in No.SWLA/ 7061/ 08 dated 03.06.2008 and the same was published in District Gazette No.238/ 2008 dated 06.06.2008 proposing to acquire land in an extent of Ac.1.50 cents in Sy.No.384/ 2B3 and an extent of Ac.0.20 cents of the petitioner in Sy.No.374/ 1, Kandur Village, Somala Mandal, Chittoor District, for providing house sites to weaker sections under a welfare programme by the State Government. Now the petitioner contends that on account of not passing the award within two years from the date of draft declaration, under Section 11-A of the Act, the acquisition proceedings are lapsed.

4. The admitted and undisputed dates relevant for considering legal objections read as follows:

Section 4(1) Notification was published on 03.06.2008. The objections raised by petitioner for acquiring the land was considered and rejected by 1st respondent through proceedings No.LASW/ 7061/ 08 dated

07.11.2008. On 06.01.2009 draft declaration was published in District Gazette No.10/ 2009 dated 09.01.2009. The 2nd respondent admittedly has not passed the award.

5. On 27.01.2009, WP No.1102 of 2009 was filed. On 28.01.2009, the following interim order was passed by this court.

“There shall be interim direction to the respondents not to dispossess the petitioner until further orders. However, this will not preclude the authorities from completing the other procedure as per law”

6. From the above, it is clear that there was no restriction of respondents in taking up and concluding the land acquisition proceedings within the time schedule stipulated by Section 11-A. The Assistant Government Pleader submits that it is always open to respondents to proceed with land acquisition, as the subject land is required for a public purpose and the Government intends to proceed under Act 30 of 2013.

7. Having regard to the facts and circumstances, the land acquisition proceedings impugned in the writ petition are declared as lapse under Section 11-A of the Act. The writ petition is ordered as indicated above. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 16.08.2017
BSS

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