

**THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

**WRIT PETITION NO.3593 OF 2006**

**ORDER:**

This writ petition is filed, seeking to declare the impugned notification dated 24-12-2005 in Rc.No.G1/3281/05 issued by the first respondent proposing to acquire the land of the petitioner in an extent of Ac.0-28 cents situated in Sy.No.248/A of Punnuru village, Indukurpet Mandal, Nallore District, as arbitrary, illegal, discriminatory, unconstitutional and consequently set aside the same.

2. The petitioner is the owner and possessor of an agricultural wet land admeasuring Ac.2-00 situated in Sy.No.248/A of Punnur village, Indukurpet Mandal, Nellore District and she acquired the said land by virtue of a gift deed. The first respondent issued proceedings under Section 5-A of the Land Acquisition Act, proposing to acquire her land to an extent of Ac.0.28 guntas out of Ac.2.00 and issued notification dated 24-12-2005 in Rc.No.G1/3281/2005, directing the second respondent to acquire the said land within 15 days to extend the road from Girajana Colony to reach Muduvarthi village. The petitioner submitted objections before the respondents on 6-2-2005 and requested them to drop the acquisition proceedings and that the respondents have not paid any compensation to the petitioner.

3. The respondents filed a counter affidavit stating that the land is essential to form a road from the S.T.Colony to the bridge constructed over Boda vagu drainage channel. The petitioner is

having more than Ac.5.00 land and that the first respondent in his proceedings Rc.No.G1.3281/05, dated 9-5-2005 accorded permission to the second respondent to initiate Land Acquisition proceedings for formation of path way to Mulapadu S.T. Colony and accordingly, a draft notification under Section 4(1) and draft declaration under Section 6 of the Land Acquisition Act was issued. It is stated that compensation for acquisition of the said land will be paid after fixing the market value and conducting award enquiry and also passing of award and that the petitioner has orally consented to give her land on payment of compensation.

4. Heard.

5. In view of the facts and circumstances of the case, the writ petition is disposed of, directing the respondents not to dispossess the petitioner without following due process of law in pursuance of the notification dated 24-12-2005 of the first respondent. As a sequel, the miscellaneous petitions, pending if any, shall stand closed.

**T.AMARNATH GOUD, J**

Date: 08-12-2017.

Shr