

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10320 OF 2008

Date 21.06.2017

W.P.No.10320 of 2008

Between:

Lalam Bhaskara Rao and others.

... Petitioners

AND

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

.....Respondents



HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 10320 of 2008

ORDER:

The Writ Petition is filed challenging the acquisition proceedings of the petitioners' land, for expansion of Integrated Special Economic Zone through APIIC, on the ground that Section 4(1) notification issued under the Land Acquisition Act, 1894 lapsed.

Facts of the case, in brief, are that the different extents of lands belongings to the petitioners 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 petitioners in the writ petition, learned counsel for the petitioners fairly submits that large number of cases have already been disposed of with respect to the notification, which is the subject matter of the present writ petition, directing the Government to complete land acquisition proceedings in accordance with law; notification, issued under the Land Acquisition Act, 1894, stands repealed by virtue of Section 114 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'Act 30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 would have to be in accordance with Act 30 of 2013; and rely 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 petitioners.

The facts not being in dispute, it may be noted that the writ petition came to be filed on 30.04.2008 and stay of dispossession was granted by this Court while admitting the writ petition. By the time of petitioners' 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

¹ (2016) 12 SCC 504

required to be done is passing of award taking into consideration Section 24 of Act 30 of 2013.

In the light of the legal position and the subsequent developments, 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
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