

HON' BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.13361 of 2007

ORDER:

This writ petition is filed questioning the notification issued under Section 4(1) of the Land Acquisition Act (for short 'the Act'), which was published in Andhra Jyothy Telugu daily on 14.06.2007, proposing to acquire the lands of the petitioners, in different survey numbers situated at Vuyyuru Village, Krishna District, as illegal and arbitrary.

2. The brief facts of the case, which are relevant for disposal of this writ petition, are that the respondents issued notification under Section 4(1) of the Act proposing to acquire the lands of the petitioners for developing model villages and towns, situated in Sy.Nos.555/ 1,2,3,4, 565/ 1,2, & 566/ 1,2,4,5,6 and 7 of Vuyyuru Village, Krishna District. It is stated that as per the Circular Memo No.100054/L.A.1/ 2005 dated 22.04.2006 issued by the Government of Andhra Pradesh, when the government lands are available, private lands should not be acquired

3. This writ petition was admitted by this court on 26.06.2007 and an interim stay was also granted on the same day.

4. Counter-affidavit has been filed by the respondents, *inter-alia* stating that the notices under Section 5-A of the Act were issued to the petitioners on 13.06.2007 giving opportunity to file their objections before the Land Acquisition Officer and that the petitioners have attended 5-A enquiry on 26.06.2007 and sought one week time to file objections. Thereafter, without attending the enquiry and without filing any objections whatsoever, the petitioners filed the present writ petition.

5. Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for the Land Acquisition.

6. Learned counsel for the petitioners submits that the facts of the present case squarely covered by the judgment of the Division Bench of this Court passed in WP No.11034 of 2007 & batch dated 05.10.2015.

7. The Division Bench of this court disposed of WP No.11034 of 2007 & batch, observing as follows:

“The writ petitions are disposed of by leaving it open to the respondents to conduct Section 5-A enquiry and if an enquiry is conducted, the petitioners are given liberty to raise all objections against the impugned notifications and the authorities are directed to consider the objections and dispose of in accordance with law. No costs.”

8. Learned counsel for the petitioners submits that the present writ petition may be disposed of in terms of the above judgment.

9. In view of the facts and circumstances of the case, this writ petition is disposed of by leaving it open to the respondents to conduct enquiry under Section 5-A of the Act and if the respondents intend to proceed with the land acquisition proceedings, they are at liberty to conduct fresh enquiry under Section 5-A of the Act by giving opportunity to the petitioners to raise all objections with regard to the impugned notification and the respondents are directed to consider the objections and dispose of the same, in accordance with law.

10. The writ petition is, accordingly, disposed of. No order as to costs. Pending miscellaneous petitions, if any, in this writ petition, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 27.12.2017
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