

HON' BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.760 of 2007

ORDER:

This writ petition is filed by the petitioners to declare the notification dated 23.12.2006 issued under Section 4(1) of the Land Acquisition Act (for short 'the Act') proposing to acquire the lands of the petitioners, as illegal and arbitrary.

2. This writ petition came up for admission on 11.01.2007 and this court granted an interim stay of all further proceedings for a period of three weeks. Thereafter, it was not extended further.

3. Today, when the matter came up for hearing, learned Government Pleader (Land Acquisition) has produced the written instructions of the Land Acquisition Officer cum Revenue Divisional Officer, Amalapuram dated 09.07.2007. According to the said written instructions, the land measuring Ac.1.72 ½ cents in Sy.No.79/ 6B etc., of A.Vemavaram Village of Amalapuram Mandal, East Godavari District, belonging to the petitioners, was proposed for acquisition to provide house sites for weaker sections under 'Indiramma Programme'. Section 4(1) Notification under the Act was approved by the District Collector on 23.12.2006 and after publication of Section 4(1) notification, the petitioners filed the present writ petition. It is further stated in the written instructions that one Kompella Sambamurthy S/o Suryanarayana Murthy of Amalapuram, has come forward to give his consent to part with his land measuring Ac.1.59½ cents in Sy.No.67/ 7 etc. of A.Vemavaram Village of Amalapuram Mandal for acquisition. As the land owner has given his consent, the land acquisition proposals were submitted to the District Collector, East Godavari District for acquisition

of the said land in the place of petitioners' land, along with the proposal for withdrawing the land of the petitioners from acquisition. The District Collector, East Godavari District has approved the draft notification under Section 4(1) of the Act for the alternate land i.e., Ac.1.59½ cents in Sy.No.67/ 7 etc. on 01.04.2007 and he has also approved the proposal to withdraw the land of the petitioners from acquisition. The written instructions are placed on record.

4. Basing on the written instructions, learned Government Pleader submitted that as the land of the petitioners was withdrawn from the acquisition, the impugned notification is liable to be set aside.

5. Having regard to the facts and circumstances of the case and in view of the written instructions of the Land Acquisition Officer cum Revenue Divisional Officer, Amalapuram, withdrawing the land of the petitioners from acquisition, the impugned notification dated 23.12.2006 is set aside.

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

Date: 27.11.2017
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KONGARA VIJAYA LAKSHMI, J

HON' BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

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Date: 27.11.2017

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