

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.3772 of 2007

ORDER:

This Writ Petition is filed questioning the Notification under section 4(1) of the Land Acquisition Act, 1894 (for short, "the Act") approved in proceedings Rc.G2/639/2007, dated:6-2-2007 in proposing to acquire the land of the petitioners admeasuring to an extent of Ac.0.93 cents and 0.03 cents in Sy.No.170-1 and Ac.1-00 and 0-78 cents in S.No.170-3 of L.S. Sagaram Village Naidupeta Mandal of Nellore District.

2. The brief facts of the case, according to the writ petitioners are that the petitioners are the owners of the subject land and that they have been cultivating the land and depending on agriculture only. Except the subject land, the petitioners have no other land except the land under acquisition. It is also stated by the petitioners that there are Government and waste lands near Naidupeta available for providing house sites to weaker sections. When Government lands are available in and around Naidupeta, leaving the Government lands, it is not appropriate to acquire the lands of the petitioners. Hence, this Writ Petition.

3. A counter-affidavit is filed by the 2nd respondent stating that the District Collector, Nellore approved draft notification vide proceedings Rc.G2/639/2007, dated:6.2.2007 and it was published in local news papers on 10.2.2007. Thereafter, the High Court granted interim stay vide order dated:27-2-2007 in WPMP.No.4818/2007. After stay order was granted, further action consequent to publication of draft notification was not taken and stay order was implemented. In view of the same notification lapsed. It is further stated in counter-affidavit that Government lands are not available for providing house sites. It is specifically stated at para No.12 of the counter-affidavit as under:

Contd..P.2.

“12. The Hon’ble High Court granted the interim stay orders dated:27-2-2007 in WPMP.No.4818 of 2007 on the notification published as explained above. On receipt of the stay orders, further action consequent to the publication of draft notification was not taken and interim stay orders were implemented in true sense. As the further action was not taken pursuant to the notification, the draft notification which was published in the Gazettee was already lapsed. At present, there are no proposals pending for acquisition of the land as it is not required at present.”

4. This writ petition was admitted on 27-2-2007 while granting interim stay of all further proceedings pursuant to the notification issued by the 1st respondent under section 4(1) of the Land Acquisition Act approved in proceedings Rc.G2/639/2007, dated:6-2-2007 including dispossession of the petitioners from the subject land. The respondents filed counter-affidavit stating that subject land is not required by them at present.

5. Hence, in view of the statement made by respondents at para No.12 of the counter-affidavit that land is not required by them at present, this Writ Petition is dismissed as no further orders are required. However, if the respondents intend to acquire the land of the petitioners, they are at liberty to do so by following the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. As a sequel, Miscellaneous Petitions, pending in this Writ petition, shall stand closed.

KONGARA VIJAYA LAKSHMI, J.

Dt.19th December, 2017.

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DATED:19th December, 2017.

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