

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.12097 OF 2007

ORDER:

This writ petition is filed questioning the notification dated 02.06.2007 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, "the Act") in so far as it relates to the agricultural lands of the petitioners situated at Thimmaji Kandriga, Naidupet Mandal, Nellore District as illegal.

The brief facts of the case according to the petitioners so far as they are relevant for the purpose of disposal of this writ petition are that the petitioners 1 and 2 are the absolute owners and possessors of the lands to an extent of Ac.0.20 cents in Sy.No.64/8, Ac.0.18 cents in Sy.No.64/9 and Ac.0.28 cents in Sy.No.64/10 situated at Thimmaji Kandriga Village, Naidupet Mandal, Nellore District, having purchased the same from Chintakayala Anjamma vide registered sale deed dated 27.11.2006. The 3rd petitioner is the absolute owner and possessor of the agricultural land for an extent of Ac.0.20 cents in Sy.No.65/5 and Ac.0.22 cents in Sy.No.64/7 situated at Thimmaji Kandriga Village, Naidupet Mandal, Nellore District having purchased the same under the sale deed dated 14.03.2007. The petitioners are the small farmers and there are huge extents of Government lands in and around the said area.

On 12.06.2007, while admitting the writ petition, this Court granted interim stay in W.P.M.P.No.15058 of 2007.

Today, when the matter has come up for hearing, learned Government Pleader for Land Acquisition, passed on the written instructions of Revenue Divisional Officer dated 29.11.2017, wherein he has stated that the draft notification which was published in the

Gazette was already lapsed and no such proposals were initiated for acquisition of the land in question. As the said instructions are not clear as to the acquisition of the land in question, the learned Government Pleader for Land Acquisition was directed to file a counter affidavit. Today, the counter affidavit was filed by the 3rd respondent stating inter alia as follows:

“This Court granted the interim orders dated 12.06.2007 in W.P.M.P.No.15058 of 2007 on the notification published and on receipt of the stay orders, further action consequent to the publication of draft notification, was not taken up 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 Gazette was already lapsed. In this case, no fresh proposals were initiated for acquisition of the land in question as it was not required at present for provision of house sites.”

As could be seen from the counter affidavit, it is clear that the respondents do not require the lands of the petitioners for providing house sites. In view of the submission made in the counter affidavit, no further orders are required to be passed in the writ petition.

The writ petition is, accordingly, dismissed. However, if the respondents require the lands 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. No order as to costs.

Consequently, Miscellaneous petitions, if any pending in this writ petition shall also stand closed

KONGARA VIJAYA LAKSHMI,J

Date:19.12.2017.
Gk.

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