

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4254 of 2007

ORDER:

The petitioner challenges the Notification under Section 4 (1) of the Land Acquisition Act, 1894 (in short “the Act”) as well as the draft declaration dated 24.10.2006 made under Section 6 of the Act.

The land of the petitioner, over an extent of Ac.2-09 cents in Survey No.818 of Prathipadu village and Mandal of Guntur District, was sought to be acquired for the purpose of providing house sites to the weaker sections of the society. Though the learned counsel for the petitioner submits that no Award has been made, learned Government Pleader for Land Acquisition (Andhra Pradesh) submits that Award No.8 of 2008 was made on 07.06.2008. However, learned Government Pleader while answering the specific query from the Court whether any compensation was paid or deposited into the Civil Court, as required under sub section 2 of Section 11 of the Act, fairly submitted that the record does not disclose any amount having been paid to the petitioner or deposited in the civil court.

In the light of the law declared by the Hon'ble Supreme Court in **Rajiv Chowdhrie HUF v. Union of India**¹ and in the light of Section 24 (2) of the Right to Fair compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short “Act, 2013”), where the possession is not taken or the compensation not paid within five years from the date of Award, the Notification issued under Section 4(1) of the Act, would be deemed to have been lapsed. Accordingly, Section 4 (1) Notification dated 02.08.2006 and the Draft Declaration dated 24.10.2006 of the 2nd respondent are quashed.

¹ (2015) 3 SCC 541

However, liberty is given to the respondent authorities to initiate land acquisition proceedings, if the land is required for any public purpose, in terms of the provisions of the Act, 2013.

Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J.

Date:11.07.2017
Ssv

