

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.23751 OF 2006

Date 22.11.2017

Between:

V.Sanjana Raman.

... Petitioner

AND

The Collector and District Magistrate, E.G.District,
Kakinada and others.

.....Respondents



HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.23751 of 2006

ORDER:

The Writ Petition is filed questioning notification dated 28.10.2006, under Section 4(1) of the Land Acquisition Act, 1894 (the Act), issued by respondent No.1.

Brief facts of the case, according to the petitioner, are that the petitioner is the absolute owner of an extent of Ac.7.17 cents in Sy.No.15 of Mungandapalem Village, P.Gannavarm Mandal, having purchased under registered sale deed dated 22.11.2004; and respondent No.1, by issuing notification under Section 4(1) of the Act, sought to acquire an extent of Ac.1.10 cents in Sy.No.15 of Mungandapalem Village, P.Gannavarm Mandal.

While admitting the Writ Petition on 15.11.2006, this Court stayed the impugned notification dated 28.10.2006

Heard the learned counsel for the petitioner and learned Government Pleader for Land Acquisition.

Learned Government for Land Acquisition passed on written instructions dated 26.02.2007 from the Land Acquisition Officer and Revenue Divisional Officer, Amalapuram stating that, after publication of draft notification, petitioner approached this Court and obtained an order of stay in WPMP.No.30287 of 2007 dated 15.11.2006, that Sri Gubbala Lovaraju and two others consented to part with their land measuring Ac.1.00 in Sy.No.43/3 of

Mungandapale, that proposals were submitted to the Collector, East Godavari, Kakinada for acquisition of Ac.1.00 in Sy.No.43/3 along with withdrawal proposals in respect of the petitioner's land, that the Collector, East Godavari approved draft notification under Section 4(1) of the Act for alternate land of Ac.1.00 in Sy.No.43/3 on 04.01.2007 and also approved withdrawal proposals in respect of petitioner's land admeasuring Ac.1.10 cents in Sy.No.15 of Mungandapalem Village, P.Gannavarm Mandal.

The written instructions of the Land Acquisition Officer and Revenue Divisional Officer, Amalapuram are taken on record. As alternate land was acquired, and the proposals in respect of the petitioner's land has since been withdrawn, draft notification dated 28.10.2006, under Section 4(1) of the Act, issued by respondent No.1 for acquisition of Ac.1.10 cents in Sy.No.15 of Mungandapalem Village, P.Gannavarm Mandal, is set aside.

The Writ Petition is, accordingly, allowed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Dt:22.11.2017
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