

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5773 OF 2008

ORDER:

The writ petition is filed questioning the action of the respondents in issuing the notification dated 5.11.2007, issued under Section 4(1) of the Land Acquisition Act, 1894.

No counter affidavit is filed in the writ petition so far. Initially when the matter was listed on 18.3.2008, this Court granted the stay of dispossession of the petitioners.

Today, when the matter is taken up for hearing, learned Government Pleader for Land Acquisition had placed on record the instructions received from the Revenue Divisional Officer, Kakinada, which reads as under:

“The old L.A Act was repealed and new L.A Act was introduced w.e.f 1.1.2014. In the instant case award was passed as per the old L.A Act. Further, alternative private land Ac.4.46 cents in S.No.279 etc. in Sampara Village of Pedapudit Mandal have been acquired during the year 2012 and same were distributed to the beneficiaries.”

A reading of the above instructions indicate that the purpose for which the land acquisition proceedings have been initiated has already been served and the land is no longer required for the purpose of providing the house sites. Further, it may also be noted that the Land Acquisition Act, 1894 stands repealed by virtue of Section 114 of the new Act 30 of 2013. By operation of Section 24(2) of the Act 30 of 2013, the proceedings issued under the Old Act, 1894 shall be deemed to have lapsed. Even in cases where the award is passed and possession has not taken within a period of five years from the date of passing of the award, the proceedings deemed to have been lapsed and the appropriate Government if do so chooses may initiate the proceedings for such land acquisition afresh in accordance with the provisions of the Act 30 of 2013.

In the light of the changes in the statutory provisions, the writ petition is allowed setting aside the notification dated 5.11.2007, issued by the respondent authorities under Section 4(1) of the Land Acquisition Act, 1894. Miscellaneous Petitions, if any, pending in this writ petition shall also stand dismissed. No order as to costs.

CHALLA KODANDA RAM,J

Date:26.07.2017
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