

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.11844 OF 2007

ORDER:

The writ petition is filed to declare the notification dated 29.05.2007, issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, "the Act, 1894") proposing to acquire the land of the petitioner admeasuring Ac.2.27 cents in Sy.Nos.187/1, 187/2,217/1,217/2 and 217/3, situated at A.P. Trayam Village, Pedapudi Mandal, East Godavari District.

The brief facts of the case, according to the petitioner so far as relevant to disposal of the writ petition are that Section 4(1) notification is issued on 29.05.2007, notifying the petitioner's lands admeasuring Ac.2.27 cents in Sy.Nos.187/1, 187/2,217/1,217/2 and 217/3, situated at A.P. Trayam Village, Pedapudi Mandal, East Godavari District, apart from the land of others. It is further stated that the land in Sy.No.217/1 admeasuring Ac.0.30 cents belongs to the sister of the petitioner, but however, her name was not shown in the notification. The said land was proposed for the purpose of providing house sites to the weaker sections under the "Indiramma Scheme". The authorities have chosen the lands in different survey numbers and from certain people only and purposefully omitted the lands of certain persons.

The writ petition was admitted on 11.06.2007 and the interim stay of all further proceedings including the dispossession of the petitioner from the subject lands, was granted on that day.

Counter affidavit has been filed by the respondents *inter alia* contending that an extent of Ac.4.46 cents in Sy.No.187/1

etc. of A.P. Tryam Village of Pedapudi Mandal, was proposed for provision of house sites to beneficiaries identified under “Phase-II Indiramma Programme”. Notices under Section 5A of the old Act have been issued to the land owners to attend Section 5A enquiry on 6.7.2007. At that stage, the present writ petition has been filed. The notification was issued as per the revenue records and the petitioner’s sister is the owner of certain extent of the land and she can file a representation at the time of Section 5A enquiry and the award enquiry with all the relevant records.

Today, when the matter has come up for hearing, learned counsel for the petitioner submitted that the petitioner is entitled for the benefit under Section 24(1)(a) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for short, “the Act, 2013”).

Learned Government Pleader for Land Acquisition does not dispute the same.

According to Section 24(1)(a) of the Act, 2013, where the land acquisition proceedings are initiated under the Land Acquisition Act, 1894 and where no award under Section 11 of the said Land Acquisition Act has been made, then, all the provisions of this Act relating to the determination of compensation, rehabilitation and resettlement shall apply.

In the present case, admittedly no award has been passed as there was an interim direction granted by this Court on 11.6.2007. Even though the Vacate Stay petition has been filed, the same is still pending. Admittedly as no award has been passed, the petitioner is entitled to the compensation under

Section 24(1)(a) of Act, 2013 and the respondents are liable to pay the same.

With the above observations, the writ petition is disposed of. No order as to costs.

Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

KONGARA VIJAYA LAKSHMI,J

Date:05.12.2017.
Gk



