

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 11508 OF 2006

ORDER:

Notification and declaration issued under Sections 4(1) and 6 of the Land Acquisition Act, 1894 (for short, 'the Act') dated 23.05.2006 proposing to acquire the land in an extent of Acs.2.12 cents situated in Survey No. 238 of Pedapalli Village, Elamanchili Mandal, Narsipatnam Division, Visakhapatnam District are challenged in this Writ Petition, on various grounds.

Though this Writ Petition has been admitted as far back as on 12.06.2006 and interim stay was granted in favour of the petitioner, no counter-affidavit has been filed so far.

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

“In this Connection, I submit that the Tahsildar has informed in the reference 2nd cited that the land situated in Sy. No. 238 Pedepalli Village of Yelamanchili Mandal had been proposed for acquisition under social welfare land acquisition for public purpose, the notification under Sections 4(1) and 6 of the Land Acquisition Act, 1894 were issued vide proceedings Rc. No. 204/2006/E2/dt.23.05.2006 of the Collector, Visakhapatnam. But further land acquisition proceedings were not taken up and no house site pattas were issued in the land. As per record, the 9(3) and 10 of LA notices were issued for enquiry on 27.05.2006. The Award enquiry not conducted due to non-attendance of the awardees.

Further, the Tahsildar has informed that the Revenue Divisional Officer, Narsipatnam under whose jurisdiction Yellamanchili Mandal subsequently came under the newly formed Revenue Divisional Anakapalli has informed that the

land in question is no more required to be acquired under social welfare land acquisition for the public purpose vide letter Rc.No. 606/2006/A, dt. 12.06.2013 addressed to the Government Pleader for Land Acquisition, A.P. High Court, Hyderabad presently the possession of the scheduled land is with the writ petitioner only.”

As is evident from the instructions, so far, no Award has been passed in the case on hand, though notification under Section 4(1) and declaration under Section 6 of the Act were issued on 23.05.2006. Therefore, in terms of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013, acquisition proceedings initiated in the present case would lapse. In the event the government requires the land of the petitioner for any public purpose, fresh acquisition proceedings under the 2013 Act are required to be initiated.

In that view of the matter, this Writ Petition is allowed. No costs.

Consequently, the miscellaneous petitions, if any shall stand closed.

CHALLA KODANDA RAM, J

04th July 2017

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