

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.25590 OF 2006

Date 05.07.2017

Between:

K.Venkata Rao

... Petitioner

AND

The Government of A.P. rep. by its Secretary, Social
Welfare, Secretariat Buildings, Hyderabad and others

.....Respondents



HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.25590 of 2006

ORDER:

Proceedings initiated for land acquisition, vide notification dated 01.07.2006, under Section 4(1) of the Land Acquisition Act, 1894 (the Act), and Section 6 declarations dated 08.09.2006 and 14.09.2006 are challenged before this Court.

The challenge is based on the ground that, while Section 4(1) notification was issued for providing house sites for the poor, Section 6 declaration was made for the purpose of Thadipudi Lift Irrigation Scheme.

In the counter filed by the respondents, the factum that the land was proposed to be acquired for providing house sites to weaker sections under 'Indiramma Programme' is not disputed, but inadvertently, draft declaration under Section 6 was issued to the effect that the lands are acquired for Thadipudi Lift Irrigation Scheme and the error under Section 6 declaration was admitted.

In similar circumstances, this Court in **A.Narsamma v. District Collector, Ananthapur**¹ held as under:

"As seen from the above, in this case, there is no valid publication of the notification under Section 4(1) of the Act in two daily newspapers circulated in the locality. The notification under Section 4(1) of the Act published in the official gazette on 15.10.2001 (copy of which is produced before this Court) and the notification published in the newspapers on 07.11.2001 are different. The public purpose for which the notification under

¹ 2003(6) ALD 247

Section 4(1) of the Act was published is different from the public purpose published in the local newspapers. Though the 30.03.2002, the same must be held to be not in accordance with law as the same is published without there being a valid publication of notification under Section 4(1) of the Act. Therefore, the only recourse available to the respondents is to publish the notification under Section 4(1) of the Act in two local newspapers correctly and then issue the declaration under Section 6(1) of the Act. However, having regard to the second proviso to sub-section (1) of Section 6 of the Act, that is also not possible for the respondents because no publication under Section 6(1) can be made after expiry of one year from the date of publication of the notification under Section 4(1) of the Act. Section 4(1) notification was published on 15.10.2001 and there being no valid compliance with Section 4(1) by publishing in two daily local newspapers, the respondents cannot now issue a declaration under Section 6(1) of the Act. In that view of the matter, the entire proceedings lapsed”.

In the light of the aforesaid judgment, land acquisition proceedings, under Section 4(1) of the Act, are quashed.

The Writ Petition is accordingly allowed. Miscellaneous petitions pending, if any, in the writ petitions shall stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 05.07.2017
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