

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.348 of 2009

ORDER:

Heard Mr. N. Ranga Rao for petitioner and the learned Assistant Government Pleader (Land Acquisition) for respondents.

2. The petitioner challenges initiation and continuation of land acquisition proceedings of 2nd respondent through Ref.No.G4/ 5603/ 2008 dated 23.12.2008, as illegal and arbitrary and are lapsed under Section 11-A of the Land Acquisition Act (for short 'the Act').

3. The respondents, through 4(1) notification in Gazette No.128/ 2008 dated 24.12.2008 proposed to acquire land of petitioner in an extent of Ac.2.27 cents out of Ac.4.49 cents in Sy.No.204/ 2A, Poranki Village, Penamaluru Mandal, Krishna District, for providing house sites to weaker sections under a welfare programme by the State Government. Now the petitioner contends that on account of not passing the award within two years from the date of draft declaration, under Section 11-A of the Act, the acquisition proceedings are lapsed.

4. The admitted and undisputed dates relevant for considering legal objections read as follows:

Section 4(1) Notification was published on 24.12.2008. The objections raised by petitioner for acquiring the land was considered and rejected through proceedings dated 19.06.2009. Draft notification was approved by 2nd respondent and the same was published on 11.09.2009. Award enquiry was conducted on 03.10.2009. On 12.01.2009, the instant writ petition was filed. The 3rd respondent admittedly has not passed the award.

5. On 23.01.2009, the following interim order was passed by this court.

“There shall be interim stay of dispossession of the petitioner from his land in RS No.204/ 2A to an extent of 2.27 cents out of Ac.4.49 cents situated in Poranki Village, Penamaluru Mandal, Krishna District, until further orders. However, this order will not preclude the authorities in completing the process under the Land Acquisition Act, as required under the Law.”

6. From the above, it is clear that there was no restriction of respondents in taking up and concluding the land acquisition proceedings within the time schedule stipulated by Section 11-A of the Act. The Assistant Government Pleader places on record the written instructions dated 10.08.2017 of 3rd respondent, which refers to continuing requirement for acquiring subject land and further refers to proceeding under Act 30 of 2013. It is asserted in the written instructions that it is always open to respondents to proceed with land acquisition, as the subject land is required for a public purpose.

7. Having regard to the facts and circumstances, the land acquisition proceedings impugned in the writ petition are declared as lapse under Section 11-A of the Act. The writ petition is ordered as indicated above. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V. BHATT, J

Date: 16.08.2017
BSS

HON'BLE SRI JUSTICE S.V. BHATT

38

Writ Petition No.348 of 2009



Date: 16.08.2017

BSS