

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11446 OF 2007

Date 25.07.2017

Between:
Korukonda Mangayamma.

... Petitioner

AND

The District Collector, W.G.District and others

.....Respondents



HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11446 of 2007

ORDER:

Petitioner claims to be a small farmer owning an extent of Ac.0.80 cents in Sy.No.41, Nadupalli Village, Pedavegi Mandal, West Godavari District, having purchased under sale deed dated 15.02.1996. Notification dated 27.04.2007 was issued by the District Collector, West Godavari, under Section 4(1) of the Land Acquisition Act, 1894, proposing to acquire petitioner's land admeasuring Ac.0.80 cents for the purpose of house sites. Hence the writ petition.

By order dated 05.06.2007 in WPMP.No.14250 of 2007, this Court stayed all proceedings pursuant to the notification dated 27.04.2007.

This Court, in **Malireddy Rajasekhara Reddy v. District Collector, Krishna District**¹, categorically held that the Government issued orders and memos from time to time discouraging or prohibiting acquisition of lands belonging to the small farmers, for the purpose of providing house sites to the weaker sections and the object underlying such a policy was to ensure that the small farmers are not uprooted from their livelihood in the process of providing house sites to the needy persons.

¹ 2006(2) ALD 564

Though the writ petition is of the year 2007, no counter is filed denying the averments in the writ affidavit. At any rate, land acquisition proceedings were stayed at the stage of 4(1) notification and no 6 declaration was issued finalizing acquisition proceedings. Land Acquisition Act, 1894 has since been repealed by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short '2013 Act'), proceedings cannot be continued any longer; and in the light of the order of this Court, in **Malireddy Rajasekhara Reddy** (1 supra), prohibiting acquisition of lands belonging to small farmers, the impugned notification is quashed.

The Writ Petition is, accordingly, allowed. However, liberty is given to the respondents to initiate proceedings under 2013 Act if the land is required for any public purpose. Miscellaneous petitions pending, if any, in the writ petition shall stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 25.07.2017
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