

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.19348 of 2007

ORDER:

This Writ Petition is filed, questioning the 4(1) Notification dated 03.02.2007 and the consequent notice in Form 3 in proceedings R.C.A. 198/2007 dated 12.04.2007 under Section 5-A of the Land Acquisition Act, 1894 in respect of the agricultural lands, admeasuring Ac.0.80 cents, in Sy.No.214/A of Vinnemala village, Naidupet Mandal, Nellore District as illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India and consequently set aside the same and direct the respondents not to dispossess the petitioner in respect of the said agricultural lands.

2. Brief facts of the case according to the petitioner are that the respondents issued 4(1) Notification on 03.02.2007 and the consequent notice in Form 3 in proceedings R.C.A. 198/2007 dated 12.04.2007 under Section 5-A of the Land Acquisition Act, 1894 in respect of the agricultural lands admeasuring Ac.0.80 cents, in Sy.No. 214/A of Vinnemala Village, Naidupet Mandal, Nellore District, to acquire the land. The petitioner is owner of the said land. There are other lands belonging to the State in and around the vicinity of the said lands. The petitioner is small/marginal farmer and the Government has issued directions that the persons who are marginal/small farmers should not be pained with the provisions of the Land Acquisition Act.

3. Counter affidavit has been filed by the 1st respondent, stating, inter alia, that the 4(1) Notification was issued as per the procedure of Land Acquisition Act, 1894 and the same was published in the

District Gazette No. 76 Nellore dated 05.02.2007 and in pursuance to the stay orders granted on 13.09.2007 in W.P.M.P.No. 24874/2007, no further works have been taken. It is also specifically stated that subject land is not required for acquisition of house sites.

4. Having considered the facts and circumstances, which have been brought before this Court by filing counter affidavit, by the 1st respondent, the Writ Petition is allowed setting aside the 4(1) Notification dated 03.02.2007 and the consequent notice in Form 3 in proceedings R.C.A. 198/2007 dated 12.04.2007 under Section 5-A of the Land Acquisition Act, 1894 in respect of the agricultural lands admeasuring Ac.0.80 cents, in Sy.No. 214/A of Vinnemala Village, Naidupet Mandal, Nellore District.

5. However, if the respondents intended to acquire the land of the petitioner in future they have to follow the procedure contemplated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. The Miscellaneous Petitions pending, if any, shall stand closed.

KONGARA VIJAYA LAKSHMI,J

Dated: 20.12.2017