

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.16532 of 2009

ORDER:

Heard learned counsel for petitioner and the Assistant Government Pleader (Land Acquisition) for respondents.

The petitioner challenges Notification under Section 4(1) dated 01.03.2009 and draft declaration dated 31.07.2009 proposing to acquire the land of petitioner in an extent of Ac.0-43 cents in Sy.No.26/1B2A of Pedapalla Village, Alamuru Mandal, East Godavari District, as illegal and arbitrary.

Counsel for petitioner confined to the legal objection against the continuation of land acquisition proceedings by referring to Section 11-A of the Land Acquisition Act, 1984 (for short 'the Act'), which reads thus:

“Section 11-A – Period within which an award shall be made:-

(1) The Collector shall make an award under Section 11 within a period of two years from the date of publication of declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse;

Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act, 1984 the award shall be made within a period of two years from such commencement.”

According to petitioner, on 01.03.2009 Section 4(1) Notification was issued and the respondents are under obligation to pass the award within two years from the date of Section 6 Declaration i.e., 31.07.2009.

On 12.08.2009, this court in WP MP No.21720 of 2009 granted the following interim order:

“Status-quo obtaining as on today to be maintained for a period of eight weeks.

List the W.P.M.P. after four weeks.”

The said status-quo order was extended on 22.12.2009 for a period of six weeks. The writ petition since has not been listed thereafter, the interim order granted on 12.08.2009 is not extended. Now, the submission of the counsel for petitioner is that as there was no prohibition for conducting enquiry and passing award, the acquisition procedure should have been completed within two years and admittedly, even according to the counter affidavit filed by the 3rd respondent all further proceedings have been stopped in view of interim order granted by this Court on 12.08.2009. Therefore, he prays for declaring the proceedings impugned in the writ petition as lapsed.

Keeping in view the requirements of Section 11-A of the Act, the proceedings impugned in the writ petition are declared as lapsed. The respondents are given liberty to proceed in accordance with Act 30 of 2013, if circumstances warrant for acquiring subject land.

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: 02.08.2017
Prv

HON'BLE SRI JUSTICE S.V. BHATT



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