

THE HON'BLE SRI JUSTICE M.GANGA RAO

W.P.NO.14892 OF 2003

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to quash the proceedings in Rc.No.2833/72 RI-I, dated 09.07.2003 issued by the 1<sup>st</sup> respondent-Special Tahsildar, Land Acquisition, Revenue Division, Visakhapatnam, asking the petitioners to deposit a sum of Rs.30,00,000/- (Rupees Thirty Lakhs) within ten (10) days therefrom before the 1<sup>st</sup> respondent.

In view of pendency of the proceedings under Urban Land (Ceiling and Regulation) Act, 1976, this Court on 01.08.2003 while admitting the writ petition, granted interim stay. Subsequently, the urban land ceiling proceedings initiated against the petitioners appear to have ended in their favour. Thereafter, the petitioners filed W.P.No.19321 of 2008 to initiate land acquisition proceedings under the provisions of the Land Acquisition Act, 1894 and to determine the compensation payable for the land to an extent of Acs.18.39 cents in Sy.Nos.3/1, 3/2 and 4 of Kancheralapalem Village of Visakhapatnam Urban Agglomeration, Visakhapatnam, in the possession of 3<sup>rd</sup> respondent, or in the alternative to deliver back possession of petitioners' property by declaring the letter dated 31.07.2008 of the Special Officer-3<sup>rd</sup> respondent therein as wholly illegal, inoperative and contrary to the provisions of Urban Land (Ceiling and Regulation) Act.

The Division Bench of this Court disposed of the said writ petition on 19.02.2015 observing as follows:

“ Now, so far as the first limb of the prayer for a direction upon the first and second respondents to issue a notification under Section 4(1) of the Land Acquisition Act is concerned, in view of the possession having been taken by the Visakhapatnam Port Trust, we cannot give any mandate upon the respondents to initiate land acquisition proceedings, as it is the power of eminent domain of the State and its officials to initiate proceedings under the Land Acquisition Act, 1894. No writ of mandamus can be issued to exercise such power. It is for the State to take action if so minded. If any action can be taken, it will be open to the State to take such action in accordance with law, if not, then the grievance of the petitioners with regard to possession of the land having been taken by the Visakhapatnam Port Trust authority can be redressed by the appropriate law of the land. Keeping open everything, the writ petition is disposed of...”

The petitioners' counsel submitted that, in view of the above direction of the Division Bench of this Court, no further orders are required to be passed in this writ petition.

Accordingly, the writ petition is dismissed. No order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

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M.GANGA RAO, J

13.11.2017  
TSNR