

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.6065 OF 2008

ORDER:

This writ petition is filed to declare the proceedings dated 15.09.2007 issued by the 1st respondent rejecting the objections of the petitioners under Section 5(A) of the Land Acquisition Act, 1894 (for short, "the Act") and consequently direct the respondents to drop the acquisition proceedings relating to petitioners' land situated in Sy.No.136/1, 136/3, 136/6, 191/6 of Mallam Village, Pithapuram Mandal, East Godavari District.

The brief facts of the case, according to the petitioners, are that the first respondent issued a notification under Section 4(1) of the Act on 19.06.2007 proposing to acquire Ac.1.31 cents of land from the 1st petitioner and Ac.1.29 cents from the 2nd petitioner for the purpose of providing house sites to the beneficiaries under Indiramma Adarsha Village Scheme in Mallam Village. The undated notice under Section 5(A) of the Act stating that the objections will be considered on 31.07.2007, was issued. Petitioners submitted a reply on 19.7.2007. A further notice was issued asking the petitioners to attend the enquiry on 31.07.2007. However, the objections of the petitioners were rejected stating that they are devoid of merits.

Heard Sri P. Girish Kumar, learned counsel for the petitioners and the learned Government Pleader for the Land Acquisition.

The writ petition came up for admission on 24.3.2008 and on that day notice before admission was ordered and status quo obtained as on that day was directed to be maintained.

Today, when the matter is taken up for hearing, the learned Government Pleader for the respondents placed on record the written instructions dated 12.06.2017 which he received from the Revenue Divisional Officer, Kakinada. According to those instructions, land acquisition proceedings were initiated in the year 2007 to acquire an extent of Ac.4.60 cents in Sy.No.136 in Mallam Village of Pithapuram Mandal after publication of draft notice and draft declaration in the year 2007. It is stated therein that due to pendency of the writ petition and the other reasons, land acquisition proceedings could not be finalized. It is further stated that as ten years have elapsed the number of eligible beneficiaries would be more and the land acquisition proposals will be initiated to acquire the required land in accordance with law.

In view of the written instructions dated 12.06.2017 of the Revenue Divisional Officer, Kakinada, which are placed on record, the writ petition is allowed. No order as to costs.

Consequently, the Miscellaneous Petitions, pending if any, shall stand closed.

KONGARA VIJAYA LAKSHMI,J

Date:31.10.2017.

Note:

Issue CC in two days.

B/o.

Gk.

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.6065 OF 2008

Date:31.10.2017

Gk

