

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 15144 of 2017

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Land Acquisition for respondent Nos.2 and 3. None appeared for respondent No.4 even after taking notice on 26.04.2017.

This writ petition is being disposed of in view of the order, dated 13.10.2009, passed by a Division Bench of this Court in W.A.Nos.41, 42 and 45 of 2008, wherein the entire acquisition proceedings including the Award, dated 10.06.1998, was set aside.

The petitioner claims to be the lawful owner of an extent of 673.66 square yards of land in Survey No.1521 situated at Bheemunipatnam, Visakhapatnam District having purchased the same under a registered sale deed, dated 30.08.1993. Notification under Section 4 (1) of the Land Acquisition Act, 1894 was issued on 13.06.1995 for an extent of Acs.7.25 cents of land, which ultimately culminated in the Award, dated 10.06.1998. A total extent of Ac.1.23 cents of land including the land of the petitioner was covered by Survey No.1521, which was taken over by the Government under the said Award. The name of the petitioner was shown in the Award, but on the ground that he was not a party to the earlier proceedings of the Division Bench in the

above referred writ appeals, when the possession of the land of the petitioner is sought to be taken, the present writ petition is filed.

Since the entire acquisition proceedings including Award, dated 10.06.1998, was set aside by the Division Bench, the said order is applicable to the case of the petitioner also.

In view of the above, the writ petition is allowed setting aside the Award, dated 10.06.1998, in respect of the land of the petitioner also.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:16.08.2017

kdl



