

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.301 of 2009

ORDER:

Heard Mr. V.V. Prabhakara Rao for petitioner and the learned Assistant Government Pleader (Land Acquisition) for respondents.

2. The petitioner challenges initiation and continuation of land acquisition proceedings through Ref.No.G4.4698/ 2007 dated 05.10.2007, as illegal and arbitrary and are lapse under Section 11-A of the Land Acquisition Act (for short 'the Act').

3. The respondents, through 4(1) notification in Gazette No.191/ KST/ 2007 dated 09.10.2007 proposed to acquire land in an extent of Ac.1.66 cents in Sy.No.34/ 1-Part, Jujjuvaram Village, Pamarru Mandal, Krishna District, for house sites to weaker sections under a welfare programme by the State Government. Now the petitioner contends that on account of not passing the award within two years from the date of draft declaration, under Section 11-A of the Act, the acquisition proceedings are lapsed.

4. The admitted and undisputed dates relevant for considering legal objections read as follows:

Section 4(1) Notification was published on 19.10.2007. The objections raised by petitioner for acquiring the land was considered and rejected through proceedings dated 19.11.2008. On 09.01.2009 WP No.301 of 2009 was filed. On 03.02.2009 draft declaration was published. The notice under Section 9(1) etc. for award enquiry was issued on 21.02.2009. The 2nd respondent admittedly has not passed the award.

5. On 30.01.2009, the following interim order was passed by this court.

“There shall be interim direction to the respondents not to dispossess the petitioners from the subject lands until further orders. However, the other proceedings under the Land Acquisition Act may go on.”

6. From the above, it is clear that there was no restriction of respondents in taking up and concluding the land acquisition proceedings within the time schedule stipulated by Section 11-A. The Assistant Government Pleader places on record the written instructions dated 11.08.2017 of 2nd respondent, which refers to continuing requirement for acquiring subject land and further refers to proceeding under Act 30 of 2013. The written instructions are refer to it is always open to respondents to proceed with land acquisition as the subject land is required for a public purpose.

7. Having regard to the facts and circumstances, the land acquisition proceedings impugned in the writ petition are declared as lapse under Section 11-A of the Act. 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: 16.08.2017
BSS

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