

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.23223 of 2008

ORDER:

Heard learned counsel for petitioners and the Assistant Government Pleader for Land Acquisition.

The petitioners pray for the following relief :-

“.... to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus: a) declaring the order of the third respondent in Proc.G2/ 439/ 2007 dated 19.12.2007 as arbitrary, illegal, violative of Arts. 14, 21 and 300-A of the Constitution of India and consequently quash the same; b) declaring the Notification Ref.G2/ 4639/ 2007, dated 28.07.2007 of the first respondent issued under Section 4(1) of the Land Acquisition Act, 1894 acquiring the lands of the petitioners in Sy.Nos.304/ 2 and 305/ 1A of Kandregula Village, Jaggampeta Mandal, East Godavari District, as arbitrary, illegal and violative of Arts. 14, 21 and 300-A of the Constitution of India....”.

On 23.10.2008, this Court granted stay of all further proceedings for a period of four weeks and on 14.11.2008, the interim order has been extended until further orders.

Learned Assistant Government Pleader, places on record letter Ref.No.E/ 1640/ 2008, dated 10.08.2017, which reads thus :-

“I invite kind attention to the reference cited, wherein it was directed to submit the present status of the land in S.No.304/ 2 measuring an extent of Ac.9.11 cts of Kandregula village of Jaggampeta Mandal with regard to Smt.B.Venkata Lakshmi, who filed W.P.No.23223/ 2008 before the Hon'ble High Court, AP, Hyderabad as the land

previously notified under SWLA house sites to the villagers of Kandregula village.

I submit that the land covered by W.P.No.23223/ 2008 is under the possession of the land owner and no compensation was paid. We are not proceeding further to acquire this land at the point of time due to changed circumstances.

Fresh Land Acquisition proceedings will be initiated under the provisions of new Land Acquisition Act, if the land is still required to provide the house sites to poor families as and when the instructions received from the Government.”

From the above, it is clear that the respondents are not pursuing with the land acquisition impugned in the writ petition and are intending to issue fresh land acquisition proceedings under the Act 30 of 2013, if circumstances warrant.

The statement is placed on record.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Date:10-08-2017
Prv

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