

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.16493 of 2009

ORDER:

Heard Mr. A. Srinath, counsel for petitioners and the Assistant Government Pleader (Land Acquisition) for respondents.

2. The petitioners challenge the Notification under Section 4(1) dated 14.11.2008 and draft declaration dated 27.05.2009 proposing to acquire a portion of houses covered by Door Nos.3/ 1585 & 3/ 1587/ 1 at Rajareddy Street, Kadapa, Kadapa District, as illegal and arbitrary.

3. Counsel for petitioners confined to the legal objectives to the continuation of land acquisition proceedings by referring to Section 11A of the Land Acquisition Act, 1984 (for short 'the Act'), which reads thus:

“Section 11-A – Period within which an award shall be made:-

- (1) The Collector shall make an award under Section 11 within a period of two years from the date of publication of declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse;

Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act, 1984 the award shall be made within a period of two years from such commencement.”

4. According to the petitioners, on 14.11.2008 Section 4(1) Notification was issued and the respondents are under obligation to pass the award within two years from the date of Section 4(1) Notification. On 12.08.2009, this court in WP MP No.21667 of 2009 granted the following order:

“In view of the facts and circumstances of the case, *status quo* obtaining as on today to be maintained for a period of eight weeks.”

5. The writ petition since has not been listed thereafter, the interim order granted on 12.08.2009 is not extended. Now, the submission of the counsel for petitioners is that as there was no prohibition for conducting enquiry and passing award, the same should have been completed within two years and admittedly, even according to the written instructions dated 31.07.2017, the award is not passed as on date. Therefore, he prays for declaring the proceedings impugned in the writ petition as lapsed.

6. Learned Assistant Government Pleader was given time to get instructions in the matter and he places on record the written instructions dated 31.07.2017. The written instructions are silent about the award, if any, passed in this behalf. Further, it referred to passing of award in respect of other properties affected by road widening and acquired by respondents.

7. Keeping in view the requirements of Section 11-A of the Act, the proceedings impugned in the writ petition are declared as lapsed. The writ petition is ordered as indicated above. The respondents are given liberty to proceed in accordance with Act 30 of 2013, if circumstances warrant. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 02.08.2017
BSS

S. V. BHATT, J

HON'BLE SRI JUSTICE S.V. BHATT

47

Writ Petition No.16493 of 2009



Date: 02.08.2017

BSS