

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5894 OF 2008

ORDER:

The writ petition is filed questioning the action of the respondents in issuing the proceedings dated 6.2.2008 as illegal and arbitrary.

The writ petition was admitted on 06.03.2009. It may be noted that no stay was granted by this Court while admitting the writ petition.

Learned Government Pleader for Land Acquisition fairly submits that there is no Section 6 declaration made and no award was also passed. It may be noted that after conducting Section 5(a) enquiry, the District Collector is required to consider the objections raised before the L.A.O and make a declaration under Section 6 of the Old Act, 1894 within a period of three years from the date of issuance of Section 4(1) notification.

In the present case on hand, Section 4(1) notification was issued on 6.2.2008. Admittedly as of now, no Section 6 declaration has been made. It is only on Section 6 declaration being made, the conclusiveness with respect to the fact that the land is required for public purpose gets finality. Inasmuch as there being no Section 6 declaration, it is deemed that the land is not required for public purpose at relevant point of time. Though the learned Government Pleader submitted the instructions received from the respondent authorities that the land is required for providing house sites, the land acquisition proceedings initiated vide proceedings dated 6.2.2008 cannot be sustained as of today. However, it is left open for the respondent authorities to initiate proceedings afresh if the land is required for any public purpose in accordance with the provisions of the Act, 30 of 2013.

With the above observations, the writ petition is allowed setting aside the proceedings dated 06.02.2008 issued by the respondent authorities. Miscellaneous Petitions, if any, pending in this writ petition shall also stand dismissed. No order as to costs.

CHALLA KODANDA RAM,J

Date:26.07.2017
Gk

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