

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.Nos.4803 & 4838 OF 2017

COMMON ORDER

Both the writ petitions are disposed of by this common order as the land involved in both the writ petitions is covered by the same notification.

W.P.No.4803 of 2017 is filed by one Osuri Shankara Rao challenging the notification dated 18.05.2007 and the consequential award dated 17.01.2012 passed by the Land Acquisition Officer in respect of the land admeasuring Ac.1-00 in R.S.No.426/1A and Ac.0.95 cents in Sy.No.462/1C of Rustumbada Village, Narspur Mandal, West Godavari District. Similarly W.P.No.4838 of 2017 is filed by his daughter-K.Radhika Padmaja challenging the same notification and award in respect of the land in an extent of Ac.2.20 cents out of Ac.4.40 cents in R.S.No.462/3 of the same Village and District.

The common case of the petitioners is that the Land Acquisition Officer issued notification on 18.5.2007 under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') and declaration was issued on 5.1.2009. Though the award was passed on 17.01.2012 neither possession was taken nor compensation was paid in respect of the said land. In the meanwhile, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) came

into force. The petitioners state that since proceedings were taken under the provisions of the Land Acquisition Act, 1894 and Section 11-A of the Act directs the Collector to pass an Award under Section 11 within a period of two years from the date of publication of the declaration and if no Award is passed, the entire proceedings for acquisition shall lapse.

While computing the above said period, the period of stay granted by the Court, pursuant to the declaration, shall be excluded. In the instant case, there was no stay granted by this Court. However, the Award was passed on 17.1.2012 beyond the period of two years as provided under Section 11-A of the Act.

When Osuri Jaya Annapurna, who is another daughter of Osuri Shankara Rao, filed W.P.No.6026 of 2012 and raised the same contention, this Court by order dated 4.1.2017 allowed the writ petition in respect of the land claimed by her.

It is stated by the learned counsel appearing for the petitioners that the said order was confirmed by Division Bench in W.A.No.327 of 2017 on 1.6.2017.

In view of the same, both the Writ Petitions are allowed and the entire land acquisition proceedings are quashed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

3rd October, 2017
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