

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 4252 of 2017

ORDER:

1) The present writ petition came to be filed questioning the land acquisition proceedings initiated by the Government of Andhra Pradesh in the scheduled area of Darbhagudem Gram Panchayat.

2) The main grievance of the petitioners is that the entire proceedings gets vitiated since the resolution of Gram Sabha of Darbhagudem was not obtained as required under Section 242 (f) of the Panchayat Raj Act and Section 4 (i) of the Panchayats (Extension to the Scheduled Areas) Act, 1996. According to her, the resolutions which are now placed on record are fabricated and forged, since the earlier endorsements dated 31.01.2017 and 17.03.2017, show that no resolution was passed by the Gram Sabha at any point of time. The same is refuted by the Government Pleader for Land Acquisition stating that the resolutions are there in the original record and if the originals are produced the same would clear the issue

3) It is to be noticed that the resolution has to be obtained prior to issuance of the notification. All the resolutions which are sought to be relied upon by the Government Pleader were subsequent to the notification. Be that as it may, in some what identical situation, in W.P.No.2760 of 2013, a learned Single Judge

of this Court directed the authorities to obtain fresh resolution from the Gram Panchayat and proceed with the Land Acquisition Proceedings. It was also a case where the issue of obtaining the resolution from the Gram Sabha was raised after the award has been passed. The relevant portion of the order is as under:

“In view of the same, the writ petition is disposed of directing the respondent authorities to first obtain written consent of the Mandal Parishad before finalizing the land acquisition proceedings.”

4) Having regard to the judgment referred to above and taking into consideration the public interest that is involved, the writ petition is disposed of directing the respondent authorities to first obtain written consent of the Grama Sabha of Darbagudem Village, before finalization the land acquisition proceedings. The respondents shall take expeditious steps to complete the exercise, preferably within a period of three months from the date of receipt of a copy of the order. There shall be no order as to costs.

5) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

24.04.2017
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