

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 35443 of 2017

Order:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

The petitioner is the owner of House bearing No.4-20 situated at Namnoor village, Mancherla Mandal and District. The said house was acquired under the Land Acquisition Act, 1894, as it is coming under the submergence of Yellampally Sripada Project along with the entire village. The notification under Section 4(1) was issued on 18.01.2008 and possession was taken on 17.01.2010. It appears that declaration was also published under the provisions of the Land Acquisition Act, 1894 on 21.01.2008. But, before commencement of the provisions of the Act 30 of 2013, no award was passed and, in view of the same, the earlier proceedings stood lapsed by virtue of Section 11(A) of the Land Acquisition Act. Since an award was passed in respect of other lands except the land of the petitioner, it appears that a draft award was prepared under the provisions of the new Act in respect of the land of the petitioner and it was sent for approval. At that stage, the petitioner filed W.P.No.7005 of 2017 and this Court, by order dated 10.07.2017, disposed of the said Writ Petition directing the respondents to pass award and without passing the award the petitioner shall not be dispossessed. Now, when a notification was issued under Section 11(1) of the Act 30 of 2013, the present Writ Petition is filed challenging the same stating that Section 24(1)(a) of the Act 30 of 2013 is applicable and the award should have been passed straight away without issuing a notification under Section 11(1) of the Act.

I am not in agreement with the said contention raised by the learned counsel for the petitioner, since the proceedings under the Land Acquisition Act, 1894 stood lapsed, by virtue of operation of Section 11(A) of the Act, fresh proceedings have to be initiated by the authorities and, accordingly, they issued the present notification. The present notification should culminate in passing the award. In the circumstances, this Court sees no ground to entertain the present Writ Petition and it is open to the respondents to take expeditious steps for passing the award after following due process of law.

The Writ Petition is, accordingly, dismissed at the admission stage. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

Date: 25.10.2017
Nsr

A. RAMALINGESWARA RAO, J

