

THE HONOURABLE SRI JUSTICE M.GANGA RAO,

WRIT PETITION No.16955 of 2007

ORDER:

This writ petition is filed to issue a writ in the nature of mandamus under Article 226 of the Constitution of India, by declaring the notification bearing Ref.No.G2/4634/2007, dated 28.7.2007 under Section 4 (1) Land Acquisition Act, 1894, notifying for acquisition of lands admeasuring Ac.0.50, 0.50, 0.50 cents in Sy.Nos. 190/1, 191/2, 191/4 respectively, situated in P.Rayavaram Vilage, Pitapuram Mandal, East Godavari District, published in the Andhra Jyothi Telugu daily, dated 1.8.2007 as arbitrary, illegal and void.

The petitioners submit that the respondents issued Notification in Ref. No. G2/4634/2007, dated 28.7.2007 under Section 4 (1) of the Land Acquisition Act, 1894 which was published in Andhra Jyothi Telugu Edition, dated 1.8.2007 proposing to acquire the lands of the petitioners admeasuring to an extent of Ac.0.50, 0.50, 0.50 cents in Survey No.190/1, 191/2, and 191/4 respectively for the purpose of providing house sites to weaker sections. The petitioners challenge the said notification on the ground that they are all small farmers, eking out their livelihood from the said lands and when other adjacent non-agricultural lands are available, acquisition of their lands, which are cultivable is arbitrary and illegal, as contemplated under Section 3 of the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purpose)Act, 2006. The petitioners filed this writ

petition assailing the legality of the Notification and high handed action of the respondents.

This Court, while admitting the writ petition granted interim stay on 9.8.2007 in W.P.M.P.No.21661 of 2007.

In pursuance of the interim directions, the respondents could not able to finalise the Land Acquisition proceedings.

The learned Assistant Government Pleader, on instructions received from the Revenue Divisional Officer, Kakinada vide letter Ref. B1/773/2007, dated 12.3.2018, submits that because of the interim directions passed by this Court in the matter, the land acquisition proceedings could not be finalized in time and that the lands were proposed to be acquired ten years ago. There is every chance for change in the number of eligible beneficiaries keeping in view the subsequent scenario in the financial status of the beneficiaries who were identified about ten years back.

Recording the said submission of the learned Assistant Government Pleader, the writ petition is closed. No order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.GANGA RAO,

Date: 12.03.2018
slk