

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.17848 of 2007

ORDER:

In this writ petition, petitioners challenge the notification, dated 19.06.2004, issued under Section 4 of the Land Acquisition Act, 1894 and publication of declaration, dated 23.07.2005, under Section 6 of the said Act on various grounds.

In the writ affidavit, the petitioners categorically asserted that challenging the impugned notification, W.P.No.17450 of 2007 was filed before this Court and an order of stay was granted on 14.08.2007 and the said writ petition is pending. However, this Court allowed the said writ petition on 18.02.2009 following the common order, dated 23.07.2008, in W.P.Nos.13863, 14247 and 14478 of 2005, wherein in this Court, while allowing the same, recorded a finding that the impugned notifications failed to satisfy both the essential ingredients of a valid notification viz., that the purpose must be specific without being vague, and the acquisition must be for a 'public purpose'. Though Writ Appeals, being W.A.Nos.351, 352 & 354 of 2009, were filed challenging the common order, dated 23.07.2008, the same were disposed of as not pressed, on the submission made by the Land Acquisition Officer that the land is not required. In the circumstances, the issue raised in the present writ petition is squarely covered by the order, dated 18.02.2009, passed in W.P.No.17450 of 2007.

Hence, following the order, dated 18.02.2009, passed in W.P.No.17450 of 2007, this writ petition is also allowed in terms thereof.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:13.12.2018

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