

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.23355 OF 2007

ORDER:

This Writ Petition is filed to declare the action of the respondents in issuing notification under Section 4 (1) of the Land Acquisition Act, without following due process of law as illegal and arbitrary and consequently direct the respondents not to dispossess the petitioners from the lands in survey No.320/4 admeasuring Ac.0.23 cents, survey No.319/1 admeasuring Ac.0.87 cents, survey No.314/2 admeasuring Ac.1.38 cents, survey No.310/1 admeasuring Ac.0.45 cents, survey No.309/4 admeasuring Ac.0.15 cents, survey Nos.310 and 314 admeasuring Ac.0.18 cents and Ac.0.17 cents respectively, survey No.319/1 admeasuring Ac.1.74 cents, survey No.320/4 admeasuring Ac.0.45 cents, survey No.310 admeasuring Ac.0.50 cents and survey No.314 admeasuring Ac.0.50 cents, survey No.318/2 admeasuring Ac.0.60 cents, survey No.318/5 admeasuring Ac.0.07 cents out of total extent of Ac.1.63 situated at Prathipadu Village and Mandal, East Godavari District (hereinafter referred to as 'subject lands').

2. The case of the petitioners is that they are the absolute owners and possessors of the subject lands. It is further stated that except the above said lands, there are no other lands owned by the petitioners. Petitioners are cultivating the lands in their own right, interest and title and are regularly paying taxes to the government. The respondent-Government issued 4(1) notification on 14.09.2007 acquiring the petitioners' lands to provide house sites to the poor under Indiramma programme. When the respondents tried to dispossess the petitioners without conducting

5-A enquiry, the petitioners filed the present writ petition challenging the acquisition proceedings.

3. This Court on 16.11.2007 by way of an interim order directed the respondents not to dispossess the petitioners, however, directed the other legal formalities may go on. But, the respondents have not completed further proceedings under the provisions of the Land Acquisition Act, after completion of the 5-A enquiry.

4. Now, the respondents instructed the learned Assistant Government Pleader through letter No.Ref.E/1842/2007 dated 29.12.2017 of the Revenue Divisional Officer, Peddapuram, that the respondents had not proceeded further to acquire the petitioners' lands due to changed circumstances and further submits that fresh land acquisition proceedings would be initiated under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, if the lands are still required to provide house sites to poor families, as and when government takes decision.

5. In view of the above submission, the Writ Petition is closed.

6. Miscellaneous petitions pending in this petition, if any, shall stand closed. There shall be no order as to costs.

M.GANGA RAO, J

25th January, 2018.
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