

THE HON' BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.10276 of 2006

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to issue a writ of mandamus declaring the proceedings of the 1st respondent in RC No.D2/ 299/ 2005,dated 03.01.2005 and RC No.D21/ 299/ 2005 dated 12.02.2006 published in Andhra Jyothi Daily – Ongole Edition dated 17.02.2006 and all further proceedings to acquire the petitioner's land in Sy.No.8 (E), 13, 14, 16/ 1 and 16/ 2 of Addanki Village, Prakasam District, as illegal and arbitrary.

2. Heard.

3. The case of the petitioner is that he is the owner of an extent of Acs.10.64 cents of land in Sy.No.8/ E, 13, 14, 16/ 1 and 16/ 2 of North Addanki Revenue Village, Addanki Town, Prakasham District, and later he has obtained lay out from the Regional Joint Director, Town Planning at Nellore on 04.09.2004 for developing the Town Ship by making residential plots. The 1st respondent issued a notification dated 03.01.2006 and subsequent notifications for the purpose of acquiring the above lands by dispensing with the enquiry under Section 5(a) of the Land Acquisition Act and invoked urgency clause under Section 17 (4) of the Act. The petitioner made a detailed representation, dated 22.02.2006, to the 1st respondent and as well as to the District Collector, Prakasham. In pursuance thereafter, the 2nd respondent sent a letter dated 06.03.2006 directing the 3rd respondent to enquire into the matter. At that juncture, the petitioner approached this Court and filed the above writ petition and obtained interim stay orders in WPMP No.12922 of 2006, dated 25.05.2006.

4. The respondents filed vacate stay application and counter affidavit in the matter. This Court by order, dated 22.12.2009 made the interim stay absolute.

5. Learned Government Pleader for Land Acquisition vehemently opposed granting of relief to the petitioner.

6. However, in view of the changed circumstances, this Court is of the view that this writ petition can be disposed of with a direction to the respondents to comply with the required formalities as contemplated under law, in the event the respondents are intending to acquire the lands of the petitioner, subject to the availability of open plots.

7. With the above directions, the Writ Petition is disposed of. Miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

February 08, 2018
KTL

T. AMARNATH GOUD, J

