

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

I.A.No.3 of 2013 (W.P.M.P.No.29194 of 2013)

And

WRIT PETITION No.16575 of 2013

COMMON ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner requesting to issue a writ of mandamus declaring the action of the respondents in issuing land acquisition notification in G.O.Ms.No.67, Health, Medical and Family Welfare (M1) Department, dated 16.05.2013, without proper verification of the ownership of the concerned persons and showing a dead person's name as pattadar, as void and illegal and consequently set aside the same and direct the respondents not to take any steps for acquisition of the land of the petitioner, situated in T.S.Nos.2012, 2143, 2677, of Anantapuramu Town and District, without following the due process of law.

2. I have heard the submissions of Sri *Vedula Venkata Ramana*, learned Senior Counsel appearing for the petitioner, of the learned Government Pleader for Medical, Health & Family Welfare appearing for the 1st respondent; and of the learned Government Pleader for Land Acquisition appearing for the respondents 2 & 3. I have perused the material record. Though an implead petition has been filed and pending, none appeared for the implead petitioner.

3. The main contention of the writ petitioner is that the notification was issued showing the name of a dead person against the subject property and that though the petitioner is having registered sale deeds, the same were not verified and his name was not included in the notification in respect of the subject property and that, therefore, the notification is liable to be set aside.

4. It is not in dispute that the subject notification was issued under the Land Acquisition Act, 1894.

5. Learned Government Pleader for Land Acquisition fairly submits that the Government is not going to proceed with the subject notification and is taking steps to issue a fresh notification and that, therefore, the writ petition may be allowed, reserving liberty to the Government to issue a fresh notification under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [Act 30 of 2013].

6. However, learned Senior Counsel appearing for the petitioner would submit that while issuing a fresh notification, the officer concerned may be directed to verify the registered documents, which show the title of the parties and mention the names of the concerned in the notification after verification of the registered documents.

7. Recording the submissions, the I.A.No.3 of 2013 (W.P.M.P.No.29194 of 2013) is closed and the Writ Petition is allowed by setting aside the impugned notification and reserving liberty to the Government, as sought for, and directing the officer concerned to follow the procedure established by law, while issuing a fresh notification under the new Act 30 of 2013. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

M.SEETHARAMA MURTI, J

Date: 13th July, 2018

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