

THE HONOURABLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.26244 of 2007

ORDER:

This writ petition is filed seeking the following relief :

“To issue Writ, order or direction, especially one in the nature of Writ of Mandamus declaring the order passed by the 2nd respondent vide Ref.G2/3606/2007, dated 3.11.2007 as illegal, arbitrary, violation of Section 5-A(2) and Rule 3 (c) of the Land Acquisition Act and Rules, Article 300 A of the Constitution of India and Circular Memo No.10054/LA.1/2005, dated 22.4.2006 and consequently, set aside the Notification vide Ref. G2/3606/2007, dated 17.6.2007”.

The petitioners are the absolute owners of different extents of lands in Sy.Nos. 155/1A and 156/1A in Sarpavaram Village of Kakinada Rural Mandal, East Godavari District.

Aggrieved by the inaction of the respondents in issuing Notification, dated 17.6.2007 under Land Acquisition Act, the petitioners approached this Court by way of this writ petition.

The case of the petitioners is that no notice was given to them before issuing the orders dated 3.11.2007 consequent to Notification dated 17.6.2007 and even the objections filed by them were not considered in true letter and spirit. Hence, the writ petition.

At the stage of admission, this Court passed interim orders in W.P.M.P.No.34231 of 2007 on 10.12.2007 directing the respondents not to dispossess the petitioners from their respective lands.

Since the date of interim orders, the petitioners are in possession of the lands and as on the date of sworn affidavit, there were existing crops on the land also. No enquiry as contemplated under Section 5-A (2) of the Land Acquisition Act, is initiated and the declaration as recorded under Section 6 of the Act was also published on 16.11.2007.

In view of the above, the proceeding *vide* Ref. No.G2/3606/2007, dated 3.11.2007 of the District Collector, Kakinada, consequent to the Notification, dated 17.6.2007 is set aside. However, it is open to the respondents that in the event, if the lands are required for acquisition, the respondents shall follow due process of law, before dispossessing the petitioners from their lands.

With the above observations, the writ petition is disposed of.

Miscellaneous petitions, pending if any, shall stand closed.

No order as to costs.

T. AMARNATH GOUD, J

Date: 16.8.2018

Slk

THE HONOURABLE SRI JUSTICE T. AMARNATH GOUD



WRIT PETITION No.26244 of 2007

Dated 16.8.2018

slk

