

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

W.P.NO.25529 OF 2007

ORDER:

This writ petition is filed to declare the Land Acquisition Proceedings in ROC.No.G4/4696/07, dated 5-10-2007 issued under Section 4(1) of the Land Acquisition Act by the first respondent, as illegal and arbitrary, consequently direct the respondents to drop the Land Acquisition proceedings in respect of land admeasuring Ac.0.65 cents in R.S.No.121/5A, situated at Addada Village, Pamarru Mandal, Krishna District.

2. It is the case of the petitioner that he is the owner of the land admeasuring Ac.0.84 cents in R.S.No.121/5, situated at Addada Village, Pamarru Mandal, Krishna District, and raising paddy seed bed in the said land, which is adjacent to Vura Cheruvu and it is a fertile land. The first respondent issued notification under Section 4(1) of the Land Acquisition Act for acquiring the land in an extent of Ac.0.65 cents out of Ac.0-84 cents, vide proceedings in ROC.No.G4/4696/07, dated 5-10-2007 and got it published in Krishna District Gazette Extraordinary No.191/KST/2007, dated 9-10-2007.

3. It is contented by the petitioner that the respondents have not followed the procedure contemplated under the land Acquisition Act and compensation amount has not been paid to him and no notice inviting the objection was served. However, the petitioner submitted his objections on 8-11-2007. The respondents have

indicated that there was no objection from the petitioner for acquisition of his land.

4. A Counter affidavit has been filed on behalf of the respondents.

5. Heard.

6. The petitioner filed the above writ petition and this Court granted interim orders on 7-12-2007 directing the respondents not to dispossess the petitioner from the subject land and thereafter, the same has been extended from time to time and finally extended until further orders by order dated 12-02-2008.

7. The petitioner is in possession of the lands and he has not been dispossessed. In view of the changed circumstances and in view of the new land Acquisition Act came into force and Section 24 of Act, 30 of 2013 is applicable. Since the acquisition proceedings have been initiated and have not been concluded though 5 years have elapsed and further in view of the changed circumstances with regard to the Act and the very purpose for which the lands were sought for providing 55 houses under Indiramma Housing Scheme for Weaker Sections, this Court presently feels that in the light of the changed circumstances, the cause of action does not survive for the purpose of allotting houses to the weaker sections. However, if the Government feels that the land is further required, they shall necessarily follow the provisions contemplated under the provisions of the Amended Land Acquisition Act and pay

compensation to the petitioner before dispossessing him from the subject land.

8. Accordingly, the writ petition is allowed. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.

T.AMARNATH GOUD,J

Date: 15-06-2018
Shr

