

THE HON'BLE SRI JUSTICE M.GANGA RAO

W.P.No.13350 of 2007

ORDER:

The petitioners, 12 in number, filed this writ petition under Article 226 of the Constitution of India to declare the action of the respondents authorities in issuing notification under Section 4(1) of the Land Acquisition Act, 1894 in R.R.No.68, dated 16.03.2005, followed by draft declaration under Section 6 issued in R.R.No.112, dated 7.6.2005, as illegal and arbitrary, and consequently to set aside the same.

2. The case of the petitioners is that they own agricultural land in Sy.Nos.138 and 139 admeasuring Acs.18.16 and Acs.15.07 guntas respectively situated at Vattinagulapally Village and Gram Panchayat, Rajendranagar Mandal, Ranga Reddy District. While so, the respondents authorities issued notification under Section 4(1) of the Land Acquisition Act, 1894 (for short "the Act") on 16-03-2005 followed by draft declaration under Section 6 of the Act, dated 07-06-2005, to acquire the above said lands for the purpose of establishing I.T. Parks and related projects thereto in the lands situated at Vattinagulapalli Village. Further, the contention of the petitioners is that the impugned notification issued under Section 4(1) of the Act is in violation of G.O.Ms.No.111, MA&UD, dated 08-03-1996 of the 1st respondent Government. Clause 3 of the G.O prohibits, establishment of polluting industries, major hotels, residential colonies or other establishments in the catchment area of the Himayatsagar and Osmansagar lakes. The petitioners' land falls within the prohibited area as notified in the G.O.

3. This Court, while admitting the writ petition on 26-06-2007, granted interim stay of all further proceedings. It appears, thereafter, the respondents could not finalize the land acquisition proceedings.

4. On behalf of the respondents 1 to 4, a counter is filed contending *inter alia* that upon the requisition of the District Collector, Ranga Reddy District, they issued notification under Section 4(1) of the Act and also draft declaration under Section 6 of the Act and 5-A enquiry was also conducted, and said report was submitted to the Collector on 26-05-2005. Notices under Section 9 of the Act were issued, conducted enquiry on 21-08-2005 and that the contentions of the writ petitioners are denied.

5. This Court, in a similar set of circumstances and in pursuance of the same notification issued for acquiring the lands of the other persons impugned in W.P.No.17651 of 2007 and batch dated 17-04-2012 in the case of *I.Praveen Reddy and Others vs. State of Andhra Pradesh and others*⁽¹⁾ and considering the contention of the respondent No.5 that as per G.O.Ms.No.111, MA & UD, dated 08-03-1996, they (respondents) could not proceed further to establish the proposed I.T. Park and submitted for withdrawal of the land acquisition proceedings to the District Collector which is pending before the Government, in view of the same the writ petitions are allowed while setting aside the land acquisition proceedings. Following the said judgment, this writ petition is also allowed.

¹ 2012(5) ALD 206

Accordingly, the writ petition is allowed setting aside the notification under Section 4(1) of the Act in R.R.No.68, dated 16.03.2005 followed by draft declaration under Section 6 of the Act issued in R.R.No.112, dated 7.6.2005. No order as to costs.

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

M.GANGA RAO, J

20.02.2018
TSNR

