

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.8970 of 2018

ORDER :

Heard the counsel for petitioner, and the learned Government Pleader for Land Acquisition, for respondents.

2. The petitioner's grievance is that land admeasuring Acs.3.1 gts. in Survey No.239 of Medipally Village was notified for acquisition by the respondents under Section 11 of Act 30 of 2013 on 20.07.2017, but till date no Award has been passed in respect of the subject land.

3. Under Section 25 of the Act if no Award is passed within twelve (12) months from the date of publication of declaration under Section 19, the proceedings would lapse.

4. The counter-affidavit filed by 3rd respondent is strangely silent about the date of publication of Section 19 declaration in regard to petitioner's land.

5. Across the Bar, the learned Government Pleader for Land Acquisition stated that no declaration under Section 19 has been issued in regard to petitioner's land.

6. A stand is taken in the counter-affidavit that no Award is passed in regard to petitioner's property since a Civil Suit O.S.No.2022 of 2017 is pending before the II Additional Senior Civil Judge, L.B. Nagar, Ranga Reddy District.

7. The petitioner has also produced computer print-out of the website <https://services.ecourts.gov.in> which showed that he is not a party to the said suit as was being alleged in para no.8 of the counter-affidavit.

8. Though reply-affidavit is filed with the said averment, the learned Government Pleader for Land Acquisition, appearing for respondents, does not rebut the same by placing any other evidence.

9. In view of the said statement, the notification issued on 20.07.2017 under Section 11 of Act 30 of 2013 in regard to petitioner's land is deemed to be rescinded in view of sub-Section (7) of Section 19 and also Section 25 of the Act.

10. Therefore, the respondents shall not interfere with the possession and enjoyment of petitioner over the subject land without issuing any fresh notification under Section 11 of the said Act; even if possession is taken from the petitioner, the same shall be forthwith restored to petitioner.

11. Accordingly, the Writ Petition is allowed. No order as to costs.

12. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 24.09.2018

Ndr/*