

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.10788 OF 2006

ORDER:

Challenging the action of the respondents in insisting the petitioners to vacate from their lands in an extent of Ac.2-50 cents, Ac.2-50 cents in R.S.No.177 and Ac.1-39 cents in R.S.No.212/2 respectively, situated at Cheepurugudem Village, Nallajarla Mandal, West Godavari District, the present writ petition is filed.

2. It is the case of the petitioners that they are the owners of subject lands and they are eking out their livelihood by cultivating the same. While so, the respondents without initiating land acquisition proceedings, came to the subject lands on 22.05.2006 and asked the petitioners to vacate the subject lands so as to distribute the same to the weaker sections. Thereafter, through notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, Act of 1894) was issued on 13.05.2006 seeking to acquire the subject lands, neither any enquiry was conducted under Section 5(A) of the Act of 1894 nor the physical possession of the subject lands was taken by the respondents.

3. On written instructions, it is represented by Mr.Y.Soma Raju, learned Assistant Government Pleader for Land Acquisition, that the subject lands are quite necessary for acquisition for the purpose of allotting house site pattas to the weaker section people.

4. In view of the interim order granted by this Court dated 31.05.2006, all further proceedings were stalled and the possession of the subject lands is with the petitioners.

5. Under Section 11-A of the Act of 1894, if land acquisition proceedings initiated are not concluded in passing Award within two years, the notification issued becomes annulled. Therefore, the impugned notification in the present case is also annulled as the Award is not passed and the petitioners shall not be disposed from their lands. However, in the event of the lands being required in future for public purpose, the respondents shall initiate steps in accordance with law by following the procedure laid down under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. With the above observation, the writ petition is disposed of. As a sequel, the miscellaneous petitions pending if any shall stand closed. No order as to costs.

Date: 11-09-2018
TJMR

T.AMARNATH GOUD, J

