

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.21606 OF 2007

ORDER:

This writ petition is filed to issue a Writ of Mandamus declaring the notification issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act'), published on 26.06.2007 by the first respondent, proposing to acquire the petitioner's land admeasuring Ac.0.64 cents out of Ac.1.78 cents of dry land in Survey No.125/2 part of B.B.Patnam Village, Rolugunta Mandal, Visakhapatnam District, as illegal and arbitrary.

2. The case of the petitioner is that he is the owner of the land of an extent of Ac.1.78 cents of dry land in Survey No.125/2 part of B.B.Patnam Village, Rolugunta Mandal, Visakhapatnam District. The first respondent wants to acquire the land admeasuring Ac.0.64 cents out of Ac.1.78 cents of dry land in Survey No.125/2 for the purpose of providing house sites to the weaker sections and Section 4(1) notification was issued and Section 5-A enquiry was also conducted. They are going to issue declaration under Section 6 of the Act without properly conducting the enquiry and properly considering the objections of the petitioners stating that the petitioner is a small farmer and except this land, there is no other land for his livelihood. He is in possession and enjoyment of the agricultural land and if the said land is

acquired he would become landless poor person. This is only the land to eke out his livelihood and the entire family is depending on the said land. Hence, the petitioner is constrained to file the writ petition.

3. At the time of admission on 11.10.2007, this Court in W.P.M.P.No.28018 of 2007, granted stay of dispossession. Thereafter, the respondents could not complete the land acquisition proceedings.

4. Today, when the matter is taken up for hearing, the learned Assistant Government Pleader, on instructions received from the Revenue Divisional Officer, Narsipatnam vide Letter in Rc.No.821/2017/B, dated -nil-12-2017, submits that the Tahsildar, Rolugunta has reported vide Letter in Rc.No.151/2008/SA, dated 15.07.2009 that there is no need of acquisition of land and withdrawal proposals were submitted in the year 2009 as the beneficiaries of Indiramma Housing Scheme were constructed houses in their own sites by utilizing the scheme and it was processed to the Collector, Visakhapatnam for approval, but in the meanwhile, notification under Section 4(1) of the Act was lapsed. It is further submitted that the land in Survey No.125/2 part of B.B.Patnam Village of Rolugunta Mandal is no more required for providing house sites to the weaker sections.

5. Accordingly, the Writ Petition is closed. No costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE M.GANGA RAO

9th February, 2018
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