

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.10368 OF 2007

ORDER:

The writ petition is filed to declare the Notification, dated 02.05.2007, issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, Act of 1894), proposing to acquire the lands of the petitioners in an extent of Ac.2-84 cents R.S.Nos.66/7, 65/11, 9/3 and 94/B of Velagaleru Village, Penumantra Mandal, West Godavari District, as illegal and arbitrary.

2. It is the case of the petitioners that they are the owners of subject lands having purchased the same under registered sale deeds dated 12.03.1974 and 01.11.1974. The revenue authorities have issued pattadar passbooks and title deeds to the petitioners in respect of subject lands. While so, the respondents issued notification under Section 4(1) of the Act of 1894 on 02.05.2007 proposing to acquire the subject lands. Thereafter, the respondents neither conducted any enquiry under Section 5(A) of the Act of 1894 nor taken the physical possession of the subject lands from the petitioners.

3. 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 16.05.2007, 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

