

**THE HON'BLE SRI JUSTICE M.GANGA RAO**

**WRIT PETITION No.16436 OF 2007**

**ORDER:**

This writ petition is filed to quash the impugned notification issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') vide proceedings No.G2/34/2006, dated 30.05.2006 of the first respondent as it is illegal and contrary to law.

2. The brief facts of the case are that the petitioners claim to be the owners of Ac.3.00 gts. in Survey No.1U, Ac.0.38 gts. in Survey No.1ru, Ac.3.00 gts. in Survey No.1EE and Ac.0.37 gts. in Survey No.1Uu, situated at Nizambad Village, Vangoor Mandal, Mahabubnagar District. The first respondent notified the lands for acquisition of an area of Ac.1.20 gts. in Survey No.1 out of the share of 1<sup>st</sup> petitioner and Ac.1.20 gts. in Survey No.1 out of the share of 2nd petitioner. The said acquisition is notified and published, and the purpose of acquisition is for providing house sites to the weaker sections of Vangoor Mandal. In view of the urgency, Section 5-A enquiry was dispensed with invoking urgency clause under Section 17 of the Act and the declaration under Section 6 of the Act was published stating that the possession would be taken after expiry of 15 days from the date of publication of notice under Section 9(1) of the Act.

3. The petitioners filed this writ petition questioning the land acquisition proceedings and this Court, on 02.08.2007, passed interim order of stay, with regard to the possession of the petitioners' lands in WPMP No.20901 of 2007. Thereafter, the respondents could not take up further proceedings as required under the Act.

4. The learned Assistant Government Pleader, on instructions vide letter No.E/565/2016, dated 24.01.2018 of the Revenue Divisional Officer, Kalwakurthy Division, submitted that in view of the pendency of the writ petition and the stay granted by this Court, the further proceedings under the Act are not completed and thereby no award has been passed, and the possession of the subject land is held with pattadars (petitioners) only.

5. During the pendency of the writ petition, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act 30 of 2013') came into force with effect from 01.01.2014. As per Section 24(1)(a) of the Act 30 of 2013, if the land acquisition proceedings were initiated under the Land Acquisition Act, 1894 and no award under Section 11 of the said Act has been made, all the provisions of the new Act relating to the determination of compensation shall apply.

6. Under Section 11(a) of the Act, the award has to be passed within a period of two years from the date of

publication of the declaration and in computing the period of two years, the period during which any action or proceeding to be taken in pursuance of the said declaration stayed by the order of the Court shall be excluded. Even if that period is excluded and an award is liable to be passed, now it cannot be done under the provisions of the Act, as the action has to be taken as per Section 24(1)(a) of the Act 30 of 2013. For the reasons stated above, the notification issued under Section 4(1) of the Act is set aside.

7. Accordingly, the writ petition is allowed, setting aside the land acquisition proceedings No.G2/34/2006, dated 30.05.2006. In the circumstances, it is needless to observe that allowing of the writ petition will not preclude the Government from acquiring the aforementioned lands of the petitioners in future either for the original purpose or for any other purpose. No costs.

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

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**JUSTICE M.GANGA RAO**

31<sup>st</sup> January, 2018  
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