

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION Nos.11046, 11050, 11171 and 11172 OF 2007

COMMON ORDER:

Since the issue raised in all these writ petitions is one and same, they are being taken up together for hearing and disposed of by this common order.

2. Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

3. In all these writ petitions, the petitioners assail the notifications issued by the respondents under section 4 (1) of the Land Acquisition Act (for short 'the Act') proposing to acquire the lands of the petitioners for the purpose of providing house sites to the weaker sections under Indiramma Programme, by dispensing with an enquiry under Section 5-A of the Act.

4. This Court, while admitting the writ petitions, granted interim stay of all further proceedings. It appears that, no further proceedings have taken place to conclude the land acquisition proceedings, no award was passed and possession of the lands was not taken by the respondents.

5. During pendency of the writ petitions, the new Act i.e. The Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'Act 30 of 2013') came into force w.e.f.01.01.2014. As per Section 24(1)(a) of 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 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 Act 30 of 2013.

7. In the facts and circumstances of the case, the writ petitions are allowed by setting aside the land acquisition proceedings impugned in these writ petitions. It is needless to observe that allowing of the Writ Petitions will not preclude the Government from acquiring the aforementioned lands of the petitioners, afresh, under the provisions of Act 30 of 2013, in future either for original purpose or for any other purpose.

8. Miscellaneous petitions pending in these petitions, if any, shall stand closed. There shall be no order as to costs.

(M.GANGA RAO, J)

2nd February, 2018
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