

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

W.P.NO.20561 OF 2007

ORDER:

This writ petition is filed, seeking to declare the action of the 1st respondent in issuing Notification under Section 4(1) of the Land Acquisition Act, dated 1.9.2007 for acquisition of the land admeasuring Ac.5.52 cents in Sy.No.484/2B and Ac.8.21 cents in Sy.No.484/3B of Peddaboddepalli Village, Narsipatnam Mandal, Visakhapatnam District as arbitrary and illegal.

2. It is the case of the petitioner that he is the owner in respect of the subject lands admeasuring Ac.5.52 cents in Sy.No.484/2B and Ac.8.21 cents in Sy.No.484/3B of Peddaboddepalli Village, Narsipatnam Mandal, Visakhapatnam District and challenging the action of the respondents in issuing proceedings in acquiring the subject lands and though notification under Section 4(1) of Land Acquisition Act was published in News paper dated 1.9.2007 in Andhra Jyothi Telugu Daily and subsequently, the Government have dropped the idea of proceeding with the matter as they are not intending to go ahead with allotment of 200 houses under Weaker Section Houses Construction Scheme.

3. Heard.

4. This Court vide order dated 1.10.2007 in W.P.M.P.No.26593 of 2007 granted interim order in favour of the petitioner and since then, he is in uninterrupted possession and enjoying the lands. The balance of convenience is in favour of the petitioner.

5. Accordingly, the writ petition is disposed of, directing the respondents not to dispossess the petitioner from the subject lands. However, if the Government wants to acquire the lands, they are at liberty to issue proceedings under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, after following due process of law. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.

T.AMARNATH GOUD,J

Date: 20-09-2018

Shr

