

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.15844 of 2006

ORDER:

This writ petition is filed seeking to issue a writ of mandamus, declaring the notification issued by respondent No.3 published in Hyderabad District Gazette No.35, dated 11.06.2006 and all consequential proceedings including the declaration under Section 6 of the Land Acquisition Act, bearing No.D3/3715/05, dated 04.07.2006 issued by respondent No.3, as illegal, arbitrary, without jurisdiction and violative of the provisions of the Land Acquisition Act and Greater Hyderabad Municipal Corporation Act and consequently set aside the same.

Heard Sri J.Prabhakar, learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

It has been contended by the learned counsel for the petitioners that Section 4(1) notification issued by respondent No.3-the District Collector is ultra vires, as he is not the competent authority to acquire the land within the limits of the Greater Hyderabad Municipal Corporation, and to that effect, he has relied upon a judgment rendered by this court in *Kilarapu Satyavati and others v. District Collector, Kakinada, E.G.Dist.*¹.

Learned Government Pleader for the respondents has submitted that in view of the interlocutory orders granted by this court, the respondents could not proceed with the acquisition.

In view of the judgment rendered by this court in *Kilarapu Satyavati and others v. District Collector, Kakinada, E.G.Dist.* (1

¹ 2006 (2) ALD 342

supra), the District Collector is not the competent authority to issue Section 4(1) notification and accordingly, the notification impugned in this writ petition is set aside. It is always open for the respondents that if they really intend to acquire the land, they can do so after initiating fresh proceedings under the Land Acquisition Act.

With these observations, the writ petition is allowed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 30.04.2018
Dsr

ABHINAND KUMAR SHAVILI, J

