

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.26895 OF 2007

ORDER:

This Writ Petition is filed seeking to issue a writ of mandamus declaring the 4(1) notification dated 28.06.2007 in Reference No.G2/3912/07 issued by the respondent for acquiring the lands of the petitioners for construction of house sites and published on 01.07.2007, as arbitrary and illegal.

The case of the petitioners is that they are the absolute owners and possessors of the land to an extent of Acs.6.00 cents out of the total extent of Acs.7.70 cents in Survey No.184/2 and their sister Naga Venkata Lakshmi Tulasi Padmavathi is the absolute owner and possessor of the land admeasuring Acs.2.00. Except that land, the petitioners have no land in their name. The lands of the petitioners were proposed to be acquired for construction of houses to the weaker sections though the proposed lands are not convenient or suitable for construction of houses and the dry lands abutting to the village are convenient for construction of houses in Survey No.75/10 to an extent of Ac.0.64 cents, Survey No.75/11 to an extent of Ac.1.61 cents, Survey No.74/2B to an extent of Ac.0.90 cents, Survey No.74/2B to an extent of Ac.0.95 cents, Survey No.74/2B to an extent of A.0.995 cents, Survey No.58 to an extent of Acs.3.00, Survey No.64/4 to an extent of Ac.1.14 cents, Survey No.58 to an extent of Acs.3.00 and Survey No.58 to an extent of Ac.0.90 cents. In pursuance of the notice under Section 5-A of the Land Acquisition Act ("the Act" for brevity) dated 17.07.2007, no enquiry was conducted and objections filed by the petitioners were not considered.

Questioning the arbitral action of the respondents in acquiring the petitioners' lands, this Writ Petition is filed.

This Court, while admitting the Writ Petition on 27.12.2007, passed interim order in WP.MP.No.35135 of 2007 directing the parties to maintain *status quo* with regard to possession of the petitioners in their respective lands. Thereafter, the respondents had not finalised land acquisition proceedings.

Learned counsel for the petitioners submitted that the petitioners are in possession and enjoyment of the subject lands.

Learned Assistant Government Pleader, on instructions received vide Ref.E/1355/2007 dated 28.02.2018, submits that in view of the interim orders, no further proceedings were initiated to conclude the land acquisition proceedings and the petitioners are in possession and enjoyment of the subject lands and the respondents are not proceeding further to acquire the petitioners' lands at this point of time due to the changed circumstances. If the petitioners' lands are required, they would initiate fresh land acquisition proceedings as per law.

Recording the said submission of the learned Assistant Government Pleader, this Writ Petition is closed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(M.GANGA RAO, J)

16th March 2018
RRB