

THE HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.15232 of 2007

ORDER:

This Writ Petition is filed to issue a Writ of Certiorari and to call for the records pursuant to the notice dated 04.07.2007 under Section 9 of the Land Acquisition Act, 1894 (for short, 'the Act') is bad, illegal and without jurisdiction as the petitioners are unaware of the intended acquisition since the substance of Section 4(1) notification dated 18.05.2007 was not published in leading daily newspapers circulated in the locality and that invoking urgency clause under Section 17 of the Act by dispensing with Section 5A enquiry is unjust and violative of principles of natural justice and consequently order stay of all further proceedings in respect of the lands of the petitioners of an extent of Ac.12.50 cents in R.S.No.76/2 situated at Jangareddigudem, West Godavari District, and to pass such other order or orders as are deemed fit and proper.

2. The case of the petitioners is that they are owners of the land of an extent of Ac.12.50 cents each in R.S.No.76/2 of Jangareddygudem Village and are in enjoyment of the same. It is further stated that the said lands are costly lands wherein Teak-plantation, tobacco etc. are grown and recently the Mineral Exploration Corporation Limited started exploration of coal in the lands in question and as such these lands are costly

and a burden on State exchequer. On that ground a notification under Section 4(1) of the Act was issued by respondent No.1 on 18.05.2007 for acquiring lands for providing house sites to the project displaced families of Pydipaka and Ramayyapeta villages. Section 5A enquiry was dispensed with invoking the urgency clause under Section 17(4) of the Act, and a draft declaration under Section 6 of the Act was published on 25.05.2007. Thereafter, a notice under Sections 9(1) and 10 of the Act was issued on 04.07.2007 and a notice under Sections 9(3) and 10 of the Act was also issued on 04.07.2007 and the same were served on the petitioners to appear for Award enquiry on 17.07.2007. Accordingly, the petitioners attended the Office of Land Acquisition Officer and sought adjournment to 24.07.2007. Thereafter, the petitioners filed the present writ petition.

3. On 21.08.2007, this Court passed interim stay of all further proceedings pursuant to the notice dated 04.07.2007 issued by respondent No.2 in respect of the petitioners' lands of an extent of Ac.12.50 cents each in R.S.No.76/2 situated at Jangareddigudem, West Godavari District. Thereafter, the land acquisition proceedings could not be completed.

4. The learned Government Pleader for Land Acquisition (A.P.) received instructions, vide letter in Roc.No.210/ 2006/ L.A. dated 20.01.2018, of the Revenue Divisional Officer, Jangareddigudem and submits that the Project displaced families

of Pydipaka and Ramayyapeta have identified substitute land of an extent of Ac.24.53 cents in R.S.No.475 of Guravaigudem village of Jangareddigudem Mandal, as the writ petitioners are not willing to acquire their lands to provide house sites to the Project displaced families of Polavaram Irrigation Project. The above said extent of Ac.24.53 cents was acquired and house sites allotted to the Project displaced families and constructed R&R colony and shifted the Project displaced families of Pydipaka and Ramayyapeta into the said R&R colony. In the circumstances, there is no need to acquire the petitioners' land and the respondents are withdrawn the above land acquisition proposals and hence, nothing survives for adjudication in the writ petition.

Recording the said submission of the learned Government Pleader, this Writ Petition is closed. No order as to costs.

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

19.02.2018
MVA

M. GANGA RAO, J