

**THE HON'BLE SRI JUSTICE M.GANGA RAO**

WRIT PETITION NO.17501 OF 2007

**ORDER:**

This Writ Petition is filed seeking to issue a writ of mandamus declaring the notification and declaration issued under Sections 4(1) and 6 of the Land Acquisition Act ("the Act" for brevity) published in Praja Sakthi Daily dated 21.07.2007 and Vaartha Daily dated 24.07.2007 respectively in so far as the land in SurveyNo.667/2 of Krishnapatnam Village, Muttukuru Mandal, Nellore District, as illegal, arbitrary and without jurisdiction.

The claim of the petitioner is that an extent of Acs.2.19 cents of land in Survey No.667/2 of Krishnapatnam Village, Muttukuru Mandal, Nellore District has been gifted to her by her brother Rangisetty Suresh Babu by means of a registered gift deed dated 07.12.2002. On her application, layout was approved and granted by the Regional Deputy Director of Town and Country Planning, Nellore on 17.04.2006 vide L.P.No.13/2006/RD/NLR. On the same day, she gifted the roads and open space in the said layout in favour of the Gram Panchayat vide registered gift deed dated 17.04.2006.

The first respondent issued notification under Section 4(1) of the Act proposing to acquire the lands of the petitioner to an extent of Acs.2.19 cents in Survey No.667/2 of Krishnapatnam Village, Muttukuru Mandal, Nellore District and the same was published in Praja Sakthi daily dated 21.07.2007. The land was acquired for public purpose i.e. for development of Krishnapatnam Port and in view of the urgency, the first respondent invoked urgency clause under Section 17(4) of the Act dispensing with the enquiry under

Section 5-A of the Act and dropped declaration proceedings under Section 6 of the Act. Hence, the Writ Petition.

On 21.08.2007, while admitting the Writ Petition, this Court granted interim stay in WP.MP.No.22402 of 2007.

Today, when the matter is taken up for hearing, learned Assistant Government Pleader, on instructions received from the Revenue Divisional Officer, Nellore, vide RC.B(L.A)1414/2006 dated 29.12.2017, submits that the Government after careful examination of the matter approved the withdrawal notification in respect of the lands Acs.19.41 cents situated in Krishnapatnam Village of Muthukur Mandal vide G.O.Ms.No.11 Infrastructure & Investment (Ports-I) Department dated 17.06.2011 and the District Collector, SPSR Nellore District has published the withdrawal notification in SPSR Nellore District Gazette part-I Extra Ordinary No.55 dated 11.07.2011. In view of the withdrawal of the subject lands from acquisition, no cause survives for adjudication in this Writ Petition.

Accordingly, the Writ Petition is dismissed as infructuous. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

**(M.GANGA RAO, J)**

6<sup>th</sup> February 2018  
RRB