

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.1882 of 2007

ORDER:

The prayer sought in the writ petition is as under:

“For the reasons stated in the accompanying affidavit, petitioners herein pray that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus directing the 1st and 2nd respondents in acquiring the land of the petitioners in Sy.No.1538/1B to an extent of 2.36 cents in Billalapuram Village, H/o. Kothapalli, Nandyal Mandal, Kurnool District is illegal and unconstitutional without conducting due enquiry u/s 5(A) of the Land Acquisition Act and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The petitioners are the owners of land admeasuring Ac.2.36 cents in Sy.No.1538/1B situated at Kothapalli Village. However, the 1st respondent initiated proceedings under the Land Acquisition Act (for short, “the Act”) for the purpose of providing house sites to the weaker sections. In this context, notice under Section 5A of the Act dated 17.10.2006 was issued calling objections from the petitioners and to appear in-person or by pleader to adduce oral and documentary evidence in support of their objections by fixing the date as 26.11.2006. Pursuant to the said notice, the petitioners have submitted their objections and also the pattadar passbooks to show that they are all small and marginal farmers. However, on 21.11.2006, no enquiry was conducted and none of the petitioners were examined. Surprisingly, the respondents have issued proceedings vide R.C.G.No.1541/2006 dated 30.12.2006 rejecting the objections of the petitioners. The respondents have also issued a publication on 22.01.2007 proposing to take

possession of the subject land within 15 days. Therefore, assailing the said action, the present writ petition is filed.

During the course of hearing, the learned Government Pleader placed on record the written instructions dated 20.12.2017 received by his office from the Revenue Divisional Officer, Nandyal, to the effect that the land acquisition proceedings initiated, as referred above, have been lapsed by efflux of time. A copy of the same is placed on record.

A perusal of the said proceedings shows that in pursuance of the proceedings initiated for acquisition of the subject land, the award and the award proceedings were not submitted by the then Revenue Divisional Officer, Nandyal, and as per the old Land Acquisition Act, when the award proceedings are not completed within 2 years from the date of draft declaration under Section 6 of the Act, the entire land acquisition proceedings automatically get lapsed. The relevant portion is as under:

“In this connection, I further submit that the P.V. Statement was also approved by the Joint Collector, Kurnool on 25.01.2007 for Rs.5,39,968/- @ Rs.1,76,000/- per acre. But, the draft award and award proceedings have to be completed within two years from the date of declaration i.e., 10.01.2007 for approval. But, after perusal of connected records, it is noticed that the award and award proceedings were not submitted by the then Revenue Divisional Officer, Nandyal and as per old L.A. Act, 1894, if the award and award proceedings not completed within two years the date of draft declaration under Section 6 of the L.A. Act, the entire L.A. proceedings lapsed. The same was confirmed by the District Collector, Kurnool, vide reference 6th cited.

In view of the facts as explained above, I request that as the L.A. proceedings are already lapsed by 10.01.2009, therefore the W.P.No.1882/2007 filed by Sri Chilakala Chinnaiah, s/o. Naganna and 5 others may be disposed as no further action in this case is required as on todate.”

In the light of the above said instructions, this Court feels that no further cause would survive in the present writ petition and the same is liable to be closed.

Accordingly, the writ petition is closed. Interim stay, if any, stands vacated. No order as to costs.

Miscellaneous petitions, if any, shall also stand closed.

JUSTICE P. KESHA RAO

Date: 09.02.2018.
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