

THE HON'BLE SRI JUSTICE M.GANGA RAO

W.P. No.17125 of 2007

ORDER:

This writ petition is filed under Article 226 of the Constitution of India to declare the notification issued under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') vide proceedings in LASW/4607/2007, dated 01.06.2007, issued by the respondent for acquiring the petitioners' land to an extent of Ac.0.50 cents and Ac.1.09 cents respectively situated in Sy.Nos.375/1B and 377/5 at Kupuchandrapet, Tirupathi Rural Mandal, as illegal and unjust.

2. It appears that a notification dated 01.06.2007 under Section 4(1) of the Act was issued for acquisition of the petitioner's land for the purpose of providing house sites to the weaker sections people. The lands are double crop wet lands.

3. This Court on 13.08.2007 while admitting the writ petition granted interim stay. It is stated that no further proceedings were taken up for concluding the land acquisition proceedings.

4. It is to be seen that during the pendency of the writ petition, the new Act i.e. The Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'Act 30 of 2013') came into force w.e.f.01.01.2014. As per Section 24(1)(a) of Act 30 of 2013, if the land acquisition proceedings were initiated under the Land Acquisition Act, 1894, and no award under Section 11 of

the said Act has been made, all the provisions of the new Act relating to the determination of compensation shall apply.

5. Under Section 11(A) of the Act, the award has to be passed within a period of two years from the date of publication of the declaration and in computing the period of two years, the period during which any action or proceeding to be taken in pursuance of the said declaration stayed by the order of Court shall be excluded. Even if that period is excluded and an award is liable to be passed, now it cannot be done under the provisions of the Act, as the action has to be taken as per Section 24(1)(a) of Act 30 of 2013. The interplay of Section 11-A of the Act and Section 24(1)(a) of Act 30 of 2013 was considered by the Apex Court in *Laxmi Devi Vs. State of Bihar and Others*<sup>(1)</sup> and in view of the conflicting situation, it was held that the acquisition proceedings initiated under the Act are liable to be set aside and the respondents-State were given liberty to issue a fresh notification, if they so choose, under Section 24(1)(a) of Act 30 of 2013.

6. In view of the ratio laid down by the Apex Court, the acquisition proceedings initiated in respect of the petitioners' lands are set aside. Accordingly, the writ petition is allowed. It is needless to observe that allowing of the Writ Petition will not preclude the Government from acquiring the aforementioned lands of the petitioners, afresh under the provision of Act 30 of

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<sup>1</sup> (2015) 10 SCC 241

2013, in future either for the original purpose or for any other purpose. No costs.

7. Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

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M.GANGA RAO, J

05.02.2018  
TSNR

