

THE HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.11089 of 2007

ORDER:-

This Writ Petition is came to be filed questioning the notification issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') vide proceedings in Rc.No.D3/ RR/ 66/ 2005 dated 16.02.2006 issued by respondent No.2.

2. The petitioners are claiming to be the absolute owners, possessors and enjoyers of different extents of agricultural lands situated at Yedugundlapadu Village. The respondents decided to acquire certain portion of lands of the petitioners and a notification under Section 4(1) of the Act was issued dispensing with Section 5A enquiry under the provisions of the Act and invoking the urgency clause under Section 17 of the Act. The particulars of the lands to be acquired from the petitioners are given hereunder:

S. No.	Name of the petitioner	Survey Number	Extent Ac. Cts.
1	Ch. Ramanjaya Reddy	15/ 3A1/ B4	0.91
2	B.Venkateswara Reddy	146/ 6	1.40
3	M.Rambabu	146/ 3 145/ 4	0.11 0.68
4	M.Krishna Reddy	145	2.03
5	B.Bujjamma	145	1.78
6	M.Pagavendra Prasad	143/ 2 144/ 1B	0.67 1.77
7	A.Venkata Rangam	150/ 3/ 1 154/ 1 155/ 1A 155/ 1B	0.76 0.42 1.17 0.51
8	K.Reddy Srinivasa Reddy	146/ 1A 150/ 3A1 B1	0.12 4.04
9	B.Reddy Venkateswarlu	150/ 3A1 B3	2.11
10	Ch. Purushotham Reddy	150/ 1B5	4.40

Pending issuance of the draft declaration under Section 6 of the Act, the petitioners approached this Court by filing the present Writ Petition.

3. On 30.05.2007, this Court granted the interim order in W.P.M.P.No.13852 of 2007 staying of all further proceedings including a direction to the respondents not to dispossess the petitioners from the lands notified for acquisition.

4. Heard the learned counsel for petitioners and the learned Government Pleader for Land Acquisition (A.P.).

5. The learned Assistant Government Pleader on the instructions received from the Special Deputy Collector (L.A.), R&R Unit, Ongole, vide letter in Rc.KORP/2/2006 dated 01.01.2018 submits that in view of the stay granted by this Court, no further action was taken.

6. In the meanwhile, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act 30 of 2013') came into force with effect from 01.01.2014. As per Section 24(1)(a) of the Act 30 of 2013, if the land acquisition proceedings were initiated under the Act and no award under Section 11 of the Act has been made, all the provisions of the

new Act relating to the determination of compensation shall apply.

7. 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 the Act 30 of 2013.

In the circumstances, this Writ Petition is allowed by setting aside the impugned notification. It is needless to observe that disposing of the Writ Petition will not preclude the Government from acquiring the aforementioned lands of the petitioners in future either for the original purpose or for any other purpose. No costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

29.01.2018
MVA

M. GANGA RAO, J