

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 11527 of 2008

ORDER:

In this writ petition, petitioners challenge the notification issued, under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act'), by dispensing with the enquiry under Section 5(A) thereof.

While admitting the writ petition on 28.05.2008, this Court granted stay of demolition of the property in question until further orders.

Learned counsel for the petitioners asserts that as on date, the interim order subsists and no demolition as such has been taken place. He further asserts that as per the information, which he has gathered, the respondents have abandoned the idea of extension of junction and road widening, as it would affect the petitioners' property.

Learned Standing Counsel for respondent Nos.1 and 2 does not dispute the assertion of the learned counsel for the petitioners. He submits that so far as the property of the petitioners is concerned, no proceedings have been initiated.

Learned Government Pleader for Respondent No.3 submits that though proceedings were carried out up to the stage of Sections 9 and 10 of the Act, no Award as such has been passed.

It may be noted that in view of Section 11-A of the Act, if Award is not passed within two years from the date of publication of declaration under Section 6 of the Act, the acquisition proceedings would lapse automatically. In view of the same, the impugned notification also would lapse in so far as the petitioners are concerned.

The writ petition is accordingly allowed.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

Dt:16.07.2018

kdl

CHALLA KODANDA RAM, J

