

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.13194 OF 2007

ORDER:

This Writ Petition is filed seeking to issue a writ of mandamus declaring the notification issued by the second respondent in Rc.G.2853/2007 dated 13.06.2007 published in Andhra Jyothi Daily dated 14.06.2007 seeking to acquire the lands of the petitioners, as illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India and to set aside the same and consequently, to direct the respondents not to dispossess the petitioners.

The case of the petitioners is that they are the owners of the lands in extents shown in the following table:-

Petitioner No.	Survey No.	Extent in Acres
1.	241/2	0.90
2.	241/1	0.90
3.	241/2	0.90
4.	241/1	0.50
5.	241/3	3.54
6.	239/1b2	2.00
7.	240/3	0.62 ½
8.	240/1	0.88
9.	241/3	1.00
10.	239/1b2	2.10
11.	221(p)	2.80
12.	222/4	0.25
13.	222/4	0.76

14.	241/1p2	0.35 ½
15.	241/1p2	0.25 & 0.44 ½

They are agriculturists and they are in possession of the respective lands. Except the said agricultural lands, they have no other land any where. They are all marginal farmers and in a predominantly agricultural economy. They are surviving and eking out their livelihood from the lands mentioned herein above.

The first respondent issued notification under Section 4(1) of the Land Acquisition Act ("the Act" for brevity) proposing to acquire the petitioners' lands for the purpose of construction of houses for town public under Jawaharlal Nehru National Urban Renewal Mission Programme. Questioning the said notification, the petitioners filed the present Writ Petition.

This Court, while admitting the Writ Petition on 25.06.2007, passed interim order in WP.MP.No.16510 of 2007 directing the respondents not to dispossess the petitioners from their lands. Thereafter, in view of the interim order, the respondents could not finalise the land acquisition proceedings and have not issued declaration required under Section 6 of the Act and further, no award is passed under Section 11-A of the Act. 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 notification. Hence, the notification under Section 4(1) of the Act is liable to be set aside since it is lapsed.

Accordingly, the Writ Petition is allowed setting aside the notification under Section 4(1) of the Act. There shall be no order

as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(M.GANGA RAO, J)

16th March 2018
RRB

