

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.17373 OF 2007

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the notification dated 2.6.2007 issued by the 1<sup>st</sup> respondent-District Collector, Nellore, under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act'), published in Special Supplement to Nellore District Gazette, Part-I, Extraordinary, dated 4.6.2007, proposing to acquire dry lands of the petitioner admeasuring Ac.1.50 cents in Sy.No.117-1A and Ac.2.61 cents in Sy.No.117-1B of Pudi Village, Tada Mandal, Nellore District, as illegal, arbitrary and consequently to set aside the same.

Heard Sri V.Sudhakar Reddy, learned counsel appearing for the petitioner and learned Government Pleader for Land Acquisition.

Petitioner is a partnership firm and absolute owner of the lands admeasuring Ac.1.50 cents in Sy.No.117-1A and Ac.2.61 cents in Sy.No.117-1B of Pudi Village, Tada Mandal, Nellore District, by virtue of registered sale deeds executed in the year 2001. The revenue authorities have mutated its name in the revenue records and also issued pattadar pass book and title deeds in its favour. While so, the 1<sup>st</sup> respondent had

issued the impugned notification under Section 4 (1) of the Act proposing to acquire the lands of the petitioner for providing house sites to the landless poor persons under Indiramma Programme Phase-2. Challenging the same, the present writ petition is filed.

While admitting the writ petition, this Court granted interim stay on 14.8.2007. By virtue of the said interim order, the petitioner is in possession of the lands in question.

Learned Government Pleader, on instructions, submits that the respondents are not intending to acquire the lands of the petitioner.

Having regard to the aforesaid submission made by the learned Government Pleader, this Writ Petition is allowed by setting aside the impugned notification dated 2.6.2007. However, it is made clear that as and when the respondents intend to acquire the lands of the petitioner, they are at liberty to do so after following the due process of law. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

*24<sup>th</sup> April, 2018*  
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