

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.8277 OF 2007

ORDER:

This writ petition is filed declaring the notification issued by the respondents in proceedings ROC.No.100/2007 (SW) G4, dated 28.03.2007, proposing to acquire Ac.2.63 ½ cents of land of the petitioners in R.S.No.615/1 to 4 of Tanuku Village and Mandal, West Godavari District, as illegal, arbitrary and contrary to the provisions of the Land Acquisition Act and also to the provision of the Act 3 of 2006 and consequently to direct the respondents to drop the said notification.

2. The petitioners state that they are the owners and possessors of Ac.2.63 cents of land in R.S.No.615/1 to 4 of Tanuku Village and Mandal, West Godavari District, having obtained the same by virtue of Will dated 15.03.2000, executed by their grandmother. The first petitioner is the owner of Ac.0.61 cents in Rs.No.615/2, Ac.0.10 ¾ cents in R.S.No.615/3 and Ac.0.60 cents in R.S.No.615/4, whereas the second petitioner is the owner of Ac.0.60 cents in R.S.No.615/1, Ac.0.10 ¾ cents in R.S.No.615/3 and Ac.0.60 cents in R.S.No.615/4. The pattadar passbooks and title deeds were issued to the petitioners by the revenue authorities, after due verification.

3. The respondents issued notification under Section 4(1) by proceedings in ROC No.100/2007 (SW) G4, dated 28.03.2007, for acquiring the lands of the petitioners for the purpose of distribution of house sites under Indiramma Scheme by mentioning the lands as dry lands. As the respondents tried to interfere with the possession and enjoyment of the petitioners over the aforesaid lands, which are wet lands convenient for agriculture purpose and the government lands are available in the village which are suitable for distribution of house sites and the agricultural lands could not be acquired for distribution of house sites and the lands could not be converted for non-agricultural purposes, they filed the present writ petition.

4. This Court, while admitting the writ petition, granted interim stay of all further proceedings pursuant to the proceedings issued in ROC No.100/2007 (SW) G4, dated 28.03.2007, proposing to acquire Ac.2.63 ½ cents of land of the petitioners in R.S.No.615/1 to 4 of Tanuku Village and Mandal, West Godavari District

5. In view of the interim direction, no further proceedings under the Land Acquisition Act, 1894 were taken up. The petitioners have been in continuous possession of the lands.

6. Now, the learned Government Pleader, on instructions, submitted that as per the report of the Tahsildar's Office, Tanuku, vide proceedings in Roc.No.77/2007 (A), dated

17.01.2018, the lands belonging to the petitioners are not required due to alternative lands already acquired for the purpose of issuing house sites to the beneficiaries.

7. Recording the said submission of the learned Government Pleader, the writ petition is disposed of, giving liberty to the respondents to acquire the lands of the petitioners, if further needed, by strictly adhering to the procedure contemplated under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. No costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.



JUSTICE M.GANGA RAO

29th January, 2018
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