

THE HONOURABLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.11977 of 2007

ORDER:

This writ petition is filed to declare the action of the respondents in notifying the lands of the petitioners admeasuring Acres 3.84 Cents in Survey Nos. 190/2, 191/1, 192/2; Ac.0.60 cents in Survey No.155 and Ac. 0.336 cents in survey No.155 of Buvvnanapalli Village, West Godavari District for the purpose of acquisition, as illegal and arbitrary and to restrain the respondents from taking possession of the lands without conclusion of the enquiry under section 5 (A) of the Land Acquisition Act and consequently direct the respondents not to take possession of the land till conclusion of the enquiry proceedings.

The case of the petitioners is that the petitioner No.1 owns Acs.3.84 cents in Survey Nos. 190/2, 191/1, 192/2 at Buvvanapalli Village, Nidamarru Mandal, West Godavari District. The petitioner No.2 owns Acs.0.60 cents in Survey No.155 and petitioner No.3 owns Ac.0.336 cents in Survey No.155 of Buvvanapalli Village. They have been cultivating lands, eking out their

livelihood and they have no other properties or any other avocation, except cultivation. The District Collector, West Godavari issued notification under Section 4(1) of the Land Acquisition Act for acquiring Acs.7.80 cents in Buvvanapalli village for the purpose of providing house sites under Indiramma Housing Scheme. It is their further case that there are several poromboke lands available which can be conveniently used for the purpose of providing house sites. The lands of the petitioners, situated at about 1½ kms., away from the village and without any causeway and facilities, are being acquired. The petitioners submitted their objections during 5 (A) inquiry. Even before completion of 5 (A) enquiry, the petitioners were threatened to be dispossessed from their lands. In those circumstances, they filed this writ petition.

In pursuance of orders of this Court, dated 01.02.2018, the respondent No.2-Revenue Divisional Officer, Eluru, is present in person before this Court today and filed counter wherein it is stated as follows:

“The District Collector issued Notification, dated 3.5.2007 under Section 4 (1) of the Land Acquisition Act for acquiring the petitioners’ land to an extent of Ac.7.80 Cents in Buvvnnapalli

Village for the purpose of providing housing under Indiramma Housing Scheme and during 5 (A) inquiry, the petitioners submitted their objections and simultaneously filed the present writ petition. This Court on 11.6.2007 at the admission stage, granted interim stay of all further proceedings in pursuance of Section 4 (1) Notification, dated 27.4.2007. In view of the objections of the petitioners and the interim stay granted by the High Court, the Department deferred the Notification dated 27.4.2007 and identified alternative lands in the same village for the purpose of providing house sites to the Weaker Sections under Indiramma Housing Scheme, accordingly issued another 4 (1) Notification, dated 12.10.2007 and acquired Ac.7.36 cents land. Thereafter, house sites were issued to the respective beneficiaries under the Indiramma Housing Programme. In the said circumstances, the petitioners' lands were not acquired and possession was also not taken."

On a perusal of the counter-affidavit, it is clear that the house sites were issued to the respective beneficiaries under the Indiramma Housing Programme by identifying alternative land in the same village. Therefore, the purpose for which the lands of the petitioners were notified for acquisition is served.

In view of the same, the respondents are directed not to dispossess the petitioners from their lands, without following due process of law.

The Writ Petition is disposed of accordingly. No order as to costs.

Consequently, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE M.GANGA RAO

Date : 20.2.2018

slk

