
(2012) 01 AP CK 0010

In the Andhra Pradesh High Court

Case No : Writ Petition No. 580 of 2012

Datla Venkata Laxmi Narasimharaju And others.

APPELLANT

Vs

State of A.P. and others

RESPONDENT

Date of Decision : 06-01-2012

Acts Referred:

Land Acquisition Act, 1894 — Section 4(1), 5A, 6

Citation : (2012) 01 AP CK 0010

Hon'ble Judges : C.V. Nagarjuna Reddy, J

Bench : Single Bench

Advocate : Avinash Desai for Sri S. Niranjan Reddy, for the Appellant; G.P. for Land Acquisition for Respondents 2 and 3, for the Respondent

Judgement

C.V. Nagarjuna Reddy

1. This Writ Petition has a chequered career. On earlier occasions as many as four Writ Petitions were filed questioning initiation of acquisition proceedings for the purpose of excavation of Indirasagar (Polavaram) Project left main canal. In the last of the Writ Petitions, namely; Writ Petition No.1138 of 2009, this Court has set aside order, dated 10.12.2008, of respondent No.2, whereby he has rejected the petitioners' objections. This Court held therein that respondent No.2 has not offered reasonable opportunity to the petitioners to put-forth their case effectively during the enquiry with reference to the remarks offered by the Executive Engineer, ISP LMC Division, Tuni on the technical aspects. Accordingly, respondent No.2 was directed to furnish a copy of the remarks of the Special Deputy Collector (Land Acquisition), ISP LMC, Unit-II, Elamanchili/Executive Engineer, ISP LMC Division, Tuni to one of the petitioners on behalf of all of them and give an opportunity of personal hearing to them by fixing a specific date for enquiry.

2. The grievance of the petitioners is that instead of holding such an enquiry, as directed by this Court, respondent No.2 has issued a fresh notification u/s 4(1) of the Land Acquisition Act, 1894 (for short, "the Act") on 25.11.2011.

3. At the hearing, the learned Assistant Government Pleader for Land Acquisition, on instructions, submitted that as Section 6 declaration could not be made within the stipulated period of one year, notification u/s 4(1) has lapsed necessitating issuance of a fresh Section 4(1) notification. She has submitted that as a fresh enquiry u/s 5A of the Act has been envisaged, notices under Form-3 were sent to the petitioners fixing 31.01.2012 as the date of enquiry and that respondent No.2 will abide by the directions given by this Court in its judgment, dated 16.06.2011, in Writ Petition No.1138 of 2009 while holding enquiry u/s 5A of the Act. She further submitted that till completion of enquiry u/s 5A and further steps are taken in accordance with the provisions of the Act, the respondents will not interfere with the petitioners' possession of the property.

4. In the light of the above submissions of the learned Assistant Government Pleader, which are taken on record, the Writ Petition is disposed of.

5. As a sequel, WPMP.No.722 of 2010 is disposed of as infructuous.