

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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WRIT PETITION NO : 24453 of 1995

Between:

G.V.Mallaiah, s/o. V. Aswathaiah,
Gudibanda villge, Gudibanda mandal,
Ananthapur district.

..... Petitioner

And

1. District Collector, Ananthapur,
Ananthapur district.
2. Revenue Divisional Officer,
Penukonda, Ananthapur district.
3. A.Narasaiah, s/o. H.Narsappa,
Palaram village, Gudibanda mandal,
Ananthapur district.

.....Respondents

Petition under article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the high court may be pleased to issue any appropriate writ, order or direction, preferably a writ in the nature of Mandamus declaring the action of the respondents 1 and 2 in issuing the Section 4-1 Notification in pursuance of the Land Acquisition Act 6 which is published in the District Gazette of Ananthapur on 28-4-1994 in respect of land admeasuring 1 acre 52 cents in survey No. 609-4 situated in Palaram village, Gudibanda mandal, Ananthapur district as arbitrary violative of Articles 14 of the constitution of India as well as provisions of the Land Acquisition Act and consequently direct the respondents not to dispossess the petitioner from the said land.

Counsel for the Petitioner: MR.P.VENUGOPAL

Counsel for the Respondent Nos.1 & 2: G.P. FOR REVENUE

Counsel for the Respondent No.3: MR.P.R.BALARAMI REDDY

The Court made the following:

THE HONOURABLE SMT. JUSTICE T.MEENAKUMARI

WRIT PETITION NO.24453 OF 1995

ORDER:

The writ petition is filed to declare the action of the respondents 1 and 2 in issuing Notification under Section 4(1) of the Land Acquisition Act (herein after referred to as 'the Act') in pursuance of the Land Acquisition Act, which was published in the District Gazette of Ananthapur on 28.4.1994, in respect of land admeasuring Ac.1-52 cents in survey No.609-4 situated in Palaram village, Gudibanda Mandal, Ananthapur District, as arbitrary and violative of Article 14 of the Constitution of India as well as provisions of the Land Acquisition Act and consequently direct the respondents not to dispossess the petitioner from the said land.

2. The respondents, in exercise of powers under Section 4 (1) of the Land Acquisition Act, issued a Notification, which was published in the District Gazette of Ananthapur on 28.4.1994 and in the local newspapers on 26.5.1994, expressing their intention of acquiring land to an extent of Ac.1-52 cents in survey No.609/4 of Palaram village, Gudibanda Mandal for construction of houses to weaker sections. The petitioner filed an objection before the second respondent for the same stating that their livelihood would be deprived if the said land is acquired and requested the authorities to acquire the land of one Rangappa, nearby landowner, who is willing to sell his land. It is further stated that though the Notification under Section 4-1 was published in vernacular language on 26.5.1994, till today, a declaration under Section 6 of the Act to the effect that the land in question is needed for construction of houses to weaker sections, has not been made. Hence, the present writ petition.

3. The third respondent filed a caveat petition stating that the petitioner is a business man and apart from that he is owning 10 acres of land in Palaram village and there is no other vacant site around the village suitable for house

sites except the land of the petitioner to be acquired.

4. No counter affidavit has been filed on behalf of the respondents 1 and 2.

5. Heard the learned counsel for the petitioner as well as the learned Government Pleader for the respondents 1 and 2 and the learned counsel for the 3rd respondent.

6. According to the petitioners they made objections to the acquisition of land in question under Section 5-A of the Act and the same has not been considered. Hence, the present writ petition is filed and obtained stay of all further proceedings in pursuance of Section 4-1 Notification issued by the respondents 1 and 2.

7. According to the counsel for the petitioner the declaration under Section 6 of the Act has not been made. It would suffice if the respondents are directed to consider the objections, if not considered, in accordance with law and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

8. With the above observations, the writ petition is disposed of.

T.MEENA KUMARI,J.

Date: 31st March 2005.

BSB

To

1. District Collector, Ananthapur,
Ananthapur district.
2. Revenue Divisional Officer,
Penukonda, Ananthapur district.
3. Two CCs to the Government Pleader for Revenue, High Court of
A.P., Hyderabad (OUT).
4. Two CD copies.