

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF FEBRUARY  
TWO THOUSAND AND EIGHT

PRESENT  
**THE HON'BLE MR JUSTICE C.V.NAGARJUNA REDDY**

**WRIT PETITION No : 3623 of 2008**

Between:

Moilla Krishna S/o.Raja Rao  
R/o.Vannepudi Village, Gollaprolu Mandal, East Godavari District.

**..... PETITIONER**

AND

- 1 The District Collector, East Godavari District Kakinada.
- 2 The Revenue Divisional Officer & Land Acquisition Officer, East Godavari District Kakinada.
- 3 The Tahsildar, Gokavaram, East Godavari District.

**.....RESPONDENT(S)**

**Counsel for the Petitioner: MR.K.CHIDAMBARAM**

**Counsel for the Respondents: AGP FOR LAND ACQUISITION**

**The Court made the following:**

**THE HON'BLE MR JUSTICE C.V.NAGARJUNA REDDY**

**WRIT PETITION No : 3623 of 2008**

**ORDER:**

This writ petition is filed for a writ of mandamus to set aside proceedings dated 30.01.2008 issued by respondent No.1, whereby he rejected the objections filed by the petitioner to the proposed acquisition of his land.

Heard K. Chidambaram, learned counsel for the petitioner and the learned Assistant Government Pleader for Land Acquisition and perused the record.

In notification dated 16.06.2007 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act'), an extent of Ac.1.80 cents comprised in Sy.No.25 of Vannepudi Village of Gollaprolu Mandal, East Godavari District, belonging to the petitioner is proposed to be acquired. In response to the notice issued under Section 5A of the Act, the petitioner submitted his objections on 23.07.2007.

The grievance of the petitioner is that without any enquiry being conducted, respondent No.1 issued the impugned proceedings.

At the hearing, Sri K. Chidambaram, learned counsel for the petitioner submitted that though Section 5A of the Act provides for a personal opportunity of hearing, respondent No.2 did not hold any enquiry and give the petitioner an opportunity of personal hearing. Therefore according to him the proceedings whereby the objections filed by the petitioner were rejected by respondent No.1 are liable to be set aside.

On the directions given by this Court, the learned Assistant Government Pleader for Land Acquisition produced record, a perusal of which revealed that on 31.12.2007 the petitioner was among the owners of the land proposed to be acquired, who attended the enquiry held by respondent No.2 in his office on 31.12.2007. The petitioner signed in proof of his attending the enquiry on the said date. Learned counsel for the petitioner having been pointed about this fact fairly conceded that if the record discloses that the petitioner attended the enquiry, he cannot press the said contention.

Since I am satisfied from the perusal of the record that the petitioner attended the enquiry on 31.12.2007, his contention that he was denied an opportunity of personal hearing cannot be accepted. The learned counsel has not argued any other point.

For the abovementioned reasons, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP.No.4726 of 2008 filed by the petitioner for interim relief is also dismissed.

**C.V. NAGARJUNA REDDY, J**

Date: 29.08.2008  
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