



**IN THE HIGH COURT OF ANDHRA
PRADESH :: AMARAVATI
(Special Original Jurisdiction)**



TUESDAY, THE TWENTIETH DAY OF
FEBRUARY
TWO THOUSAND AND TWENTY FOUR
PRESENT

[3332]

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 25073 OF 2023

Between:

1. Shaik Shakeela,, W/o. Rasheed, Aged about 45 years, R/o. Tettu village, H/o. Mocherla, Gudluru Mandal, SPSR Nellore District.
2. Syed Fatima,, W/o. Syed Mahaboob Subhani Aged about 65 years, R/o. Tettu Bazir Road, Ramayapatnam, Gudluru mandal, SPSR Nellore District.
3. Appanaboina Narasimha Rao,, S/o. Venkata Subbaiah, Aged about 54 years, R/o. D.No. 1-763, Bank Colony, Chilkaluripet, Palnadu District.
4. Subham Developers,, D.No.14/1, Aurandalpet, Guntur, Rep.by its Proprietor Shaik Azmathulla, S/o. Shaik Ghan Saida, Age 34 years, Flat No. 502, Vibhu Amruth Apartments, Saibaba Road, Vidyanagar, Guntur, Guntur District.

...PETITIONER(S)

AND

1. The State of Andhra Pradesh, Rep.by the Principal Secretary to Government of Andhra Pradesh, Revenue (Land Acquisition) Department, Secretariat, Amaravathi, Guntur District.
2. The District Collector, SPSR Nellore District at SPSR Nellore
3. The SubCollector/Land Acquisition Officer, Kandukuru Division, Kandukuru, SPSR Nellore District.
4. The Tahasildar, Gudluru Mandal, SPSR Nellore District.
5. The SubRegistrar, Kavali, SPSR Nellore District.
6. The Nellore Urban Development Authority, Nellore, SPSR Nellore District.
7. A P Maritime Board, 2nd Floor, IHC Corporate Building, I.T.Park, Mangalagiri, Guntur District - 522503 Rep. by its

General Manager (Legal) R7 is impleaded as per the Order of this Court, dt.29.09.2023 vide order passed in I.A.2 of 2023.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ or direction particularly in the nature of mandamus or any other appropriate writ, A).To declare the action of the respondents No.1 to 3 in initiating proceedings vide R.C.No.G2/1122/2023, dated 30.8.2023, on the file of the 2nd respondent under section 11 (1) of The Right to Fair Compensation and Transparency in Land Acquisition, and Resettlement Act, 30 of 2013, in which the subject property which is divided into plots vide TLP No.1105/0035/NUDA/2023, dated 11.8.2023 situated in Sy.Nos.555, 556, 557, 558, 659, 659/1, 659/2,661/1,661/2 of Mocherla village, Gudluru Mandal, SPSR Nellore District belonging to the 4th petitioner which is sought to be acquired, as illegal, void, abinitio, arbitrary and nonest in the eye of law and also violation of the provisions engrafted to the Act, 2013. B).Consequently, to set-aside proceedings vide R.C.No.G2/1122/2023, dated 30.8.2023, on the file of the 2' respondent under section 11 (1) of Right - 2013, in which the subject property which is divided into plots vide TLP No.1105/0035/NUDA/2023, dated 11.8.2023 situated in Sy.Nos.555, 556, 557, 558, 659, 659/1, 659/2,661/1,661/2 of Mocherla village, Gudluru Mandal, SPSR Nellore District belonging to the 4th petitioner which is sought to be acquired, C).Consequently, to direct the 5th respondent to receive and register the sale deeds executed by the 4th petitioner infavour of the prospective buyers in respect of the plots divided in the subject property vide TLP No.1105/0035/NUDA/2023, dated 11.8.2023 situated in Sy.No.555,556,557,558,659,659/1, 659/2,661/1,661/2 of Mocherla village, Gudluru Mandal, SPSR Nellore District

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the petitioner to amend the main prayer in Writ Petition by substituting the relief as follows : To declare the notification dated, 24.8.2023 in Andhra Pradesh Gazette No. W.N0.34, G.633, issued under section 10-A of the Right to Fair Compensation and Transparency in Land Acquisition, and

Resettlement Act, 2013 as amended by Act 22 of 2018, by the 1st respondent pursuant to the memo No. REV01-LANA/920/2023-LANDS-VI, dated 22.8.2023 proposing to acquire land an extent of Ac. 54.54 cents for rehabilitation and resettlement of the project displaced families of Ramayapatnam Non major port of Gudluru Mandal, SPS Nellore District as illegal, void, honest in the eye of law and also violating the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, and Resettlement Act, 30 of 2013, and Amended Act 22 of 2018 and consequently, set-aside the same. B). To declare the action of the respondents No.1 to 3 in initiating proceedings vide R.C.No.G2/1122/2023, dated 30.8.2023, on the file of the 2nd respondent under section 11 (1) of The Right to Fair Compensation and Transparency in Land Acquisition, and Resettlement Act, 30 of 2013, in which the subject property which is divided into plots vide TLP NO.1105/0035/NUDA/2023, dated 11.8.2023 situated in Sy.Nos.555, 556, 557, 558, 659, 659/1, 659/2,661/1,661/2 of Mocherla village, Gudluru Mandal, SPSR Nellore District belonging to the 4th petitioner which is sought to be acquired, as illegal, void, abinitio, arbitrary and nonest in the eye of law and also violation of the provisions engrafted to the Act, 2013. C). Consequently, to set-aside proceedings vide R.C.NO.G2/1122/2023, dated 30.8.2023, on the file of the 2nd respondent under section 11 (1) of Right -2013, in which the subject property which is divided into plots vide TLP NO.1105/0035/NUDA/2023, dated 11.8.2023 situated in Sy.Nos.555, 556, 557, 558, 659, 659/1, 659/2,661/1,661/2 of Mocherla village, Gudluru Mandal, SPSR Nellore District belonging to the 4th petitioner which is sought to be acquired. Consequently, to direct the 5th respondent to receive and register the sale deeds executed by the 4th petitioner infavour of the prospective buyers in respect of the plots divided in the subject property vide TLP NO.1105/0035/NUDA/2023, dated 11.8.2023 situated in Sy.No.555,556,557,558,659,659/1, 659/2,661/1,661/2 of Mocherla village, Gudluru Mandal, SPSR Nellore District, and pass

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings pursuant to the notification vide R.C.No.G2/1122/2023, dated 30.8.2023 of the 2nd respondent and direct the 5th respondent to receive and register the sale deeds executed by the 4th petitioner infavour of the

prospective buyers in respect of the plots divided in the subject property vide TLP No.1105/0035/NUDA/2023, dated 11.8.2023 situated in Sy.Nos.555, 556, 557, 558, 659, 659/1, 659/2, 661/1, 661/2 of Mocherla village, Gudluru Mandal, SPSR Nellore District, pending disposal of the writ petition

IA NO: 2 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the Petitioner/Proposed Respondent No.7 herein to be impleaded as Respondent No.7 in the Writ Petition W.P.No. 25073 of 2023, in the interest of justice and pass

Counsel for the Petitioner(s):SRI. RAMA RAO KOCHIRI

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following:

Heard Sri V.R.Avula, learned senior counsel for the petitioners, in further, and the learned Government Pleader for Land Acquisition.

For continuation, post on 23.02.2024.

Interim order earlier granted is extended till then.

//TRUE COPY//

Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to SRI.RAMA RAO KOCHIRI Advocate [OPUC]
2. One CC to SRI.K.SRINIVASULA REDDY, Standing Counsel [OPUC]
3. One CC to Sri.J.Ugra Narasimha, Advocate.[OPUC]
4. Two CCs to GP FOR LAND ACQUISITION, High Court of Andhra Pradesh. [OUT]
5. Two CCs to GP FOR STAMPS & REGISTRATION, High Court of Andhra Pradesh [OUT]
6. One spare copy

HIGH COURT

RC, J

DATED: 20.02.2024

post on 23.02.2024.

ORDER

WP.No.25073 of 2023

INTERIM ORDER EXTENDED

