

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE NINETEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

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.

...Petitioners

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 Sub-Collector/Land Acquisition Officer, Kandukuru Division, Kandukuru, SPSR Nellore District.
4. The Tahasildar, Gudluru Mandal, SPSR Nellore District.
5. The Sub-Registrar, Kavali, SPSR Nellore District.
6. The Nellore Urban Development Authority, Rep by its Vice Chairman, 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 in writ petition and affidavit as per the Court's Order, dated.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 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,

C).Consequently, to direct the 5th respondent to receive and register the sale deeds executed by the 4th petitioner in favour 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 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 in favour 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 WP 25073 of 2023, on the file of the High Court.

The Petition Coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI RAMA RAO KOCHIRI Advocate for the Petitioners, and of GP FOR LAND ACQUISITION, for the Respondent Nos.1 to 4, and of GP FOR STAMPS & REGISTRATION for the Respondent No.5, and of SRI K.SRINIVASULA REDDY, Standing Counsel for the Respondent No.6, the Court made the following

ORDER:

The learned Assistant Government Pleader for Land Acquisition submitted that learned Government Pleader would appear in this matter and sought one week time on the ground that the learned Government Pleader has some personal inconvenience. The learned Assistant Government Pleader further submitted that entire process pursuant to the notification has been completed except passing award.

In response, Sri V.R.Avula, learned senior counsel for the petitioner submitted that the very issuance of notification itself is questioned in this writ petition and if award is passed, the writ petition would become infructuous. Hence, prayed to direct the concerned authorities not to pass any award till next date of hearing.

Post on 28.12.2023 immediately after motion list.

Till then not to pass any award pursuant to the notification impugned in this writ petition.

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

For A

SECTION OFFICER

To,

1. The Principal Secretary to Government of Andhra Pradesh, State of Andhra Pradesh, Revenue (Land Acquisition) Department, Secretariat, Amaravathi, Guntur District.
2. The District Collector, SPSR Nellore District at SPSR Nellore
3. The Sub-Collector/Land Acquisition Officer, Kandukuru Division, Kandukuru, SPSR Nellore District.
4. The Tahasildar, Gudluru Mandal, SPSR Nellore District.
5. The Sub-Registrar, Kavali, SPSR Nellore District.
6. The Vice Chairman, Nellore Urban Development Authority, Nellore, SPSR Nellore District.
7. The General Manager (Legal), A.P.Maritime Board, 2nd Floor, IHC Corporate Building, I.T.Park, Mangalagiri, Guntur District - 522503
(Addressees 1 to 7 by SPEED POST)
8. One CC to SRI. RAMA RAO KOCHIRI Advocate [OPUC]
9. One CC to SRI K.SRINIVASULA REDDY, Standing Counsel [OPUC]
10. Two CCs to GP FOR LAND ACQUISITION, High Court of Andhra Pradesh. [OUT]
11. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court of Andhra Pradesh [OUT]
12. One spare copy

HIGH COURT

RC,J

DATED:19/12/2023

NOTE: POST ON 28.12.2023 IMMEDIATELY AFTER MOTION LIST

ORDER

WP.No.25073 of 2023

INTERIM DIRECTION

