



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

[3488]

MONDAY ,THE TWENTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT APPEAL NO: 637/2010

Between:

Oblisetty Mangatayaru and Others

...APPELLANT(S)

AND

The Government Of Andhra Pradesh Rep By Its and
Others

...RESPONDENT(S)

Counsel for the Appellant(S):

1.P DURGA PRASAD

Counsel for the Respondent(S):

1.GP FOR LAND ACQUISITION

2.P YADAGIRI RAO

3.PULIPATI RADHIKA

4.P DURGA PRASAD

5.E SAMBASIVA PRATAP

The Court made the following:

The case of the appellants is that a learned single judge of the erstwhile High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh had declared that publication of the declaration under Section 6 without conducting an enquiry under Section 5-A of the Land

Acquisition Act, 1894 was barred by an order, dated 29.08.2005. Thereafter, Section 5-A enquiry was conducted and a fresh declaration under Section 6 was published on 04.05.2007. The appellants contend that this declaration, which ought to have been published within one year from the date of the judgment of the learned single judge was published beyond the said period and consequently the acquisition proceedings would lapse.

The learned Government Pleader, on the other hand, would submit that the direction to conduct a fresh 5-A enquiry would not render the declaration under Section 6 nugatory and upon completion of the enquiry under Section 5-A, the earlier section 6 declaration would revive.

The learned Government Pleader would also contend that only some parts of the land which was covered under the original notification under Section 4 had not been acquired and the entire land, apart from these bits, was acquired and possession had also been taken over. He would submit that in such circumstances, the challenge by these appellants would not be sufficient to set aside the acquisition proceedings.

The learned Government Pleader seeks time to place judgments to support his contention that the Section 6 declaration does not lapsed and would revive after completion of the 5-A enquiry.

Post on 05.11.2024.

R RAGHUNANDAN RAO,J

HARINATH.N,J

RJS