THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

WRIT APPEAL Nos: 848, 637, 849 & 919 of 2010

COMMON JUDGMENT :- *(per Hon'ble Sri Justice Ravi Nath Tilhari)*

Since all these Writ Appeals are inter-related, this Court deems it appropriate to hear these matters together and dispose of the same by way of this Common Judgment.

2. These writ appeals have been filed by the writ appellants/writ petitioners, challenging the common judgment/order dated 08.06.2010 passed by the learned Single Judge in a batch of W.P.Nos.10145, 10299, 13597, 10402, 10488, 10497 and 10206 of 2007, whereby the said writ petitions were dismissed.

3. Heard Sri K.S.Murthy, learned Senior Counsel assisted by Sri P.S.P.Suresh Kumar, learned counsel for the appellant(s) in W.A.No.848 of 2010.

4. Heard Sri P.Durga Prasad, learned counsel for the appellant(s) in W.A.Nos.637 & 849 of 2010 and Sri S.Suman Raju, learned counsel representing Sri S.Lakshminarayana Reddy, learned counsel for the appellant(s) in W.P.No.919 of 2010. They have adopted the arguments advanced by Sri K.S.Murthy, learned Senior Counsel in W.A.No.848 of 2010.

5. Heard Sri V.Venugopal Rao, learned Senior Counsel assisted by Smt.Pulipati Radhika, learned counsel for Sri Venkateswara Swamivari Devasthanam, one of the respondents, in all the writ appeals.

6. Also heard the learned Government Pleader for Land Acquisition, appearing for the State respondent Nos.1 to 3. He has adopted the arguments advanced by Sri V.Venugopal Rao, learned Senior Counsel, in all the writ appeals.

I. Facts :-

7. A notification under Section 4(1) read with Section 17(4) of the Act, dispensing with the enquiry, was issued vide G.O.Ms.No.170, Revenue (Endowments-IV) Department, dated 02.02.2005 for acquiring land to an extent of Ac.103.8 cents in Dorasanipadu Village, Dwaraka Tirumala Mandal, West Godavari District. Declaration under Section 6 of the Act was published on 10.03.2005 in respect of G.O.Ms.No.170.

8. Another notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, “the Act”) was issued in G.O.Ms.No.233, Revenue (Endowments-IV) Department, dated 23.02.2005, by the Government of Andhra Pradesh, in respect of an extent of Ac.0.49½ cents covered by buildings and thatched sheds situated at Dwaraka Tirumala Village and Mandal, West Godavari District. The Government also invoked sub-section (4) of Section 17 of

the Act, dispensing with the enquiry under Section 5-A of the Act. Section 6 declaration was published on 16.03.2005 in respect of G.O.Ms.No.233.

9. Initially, in the first round of litigation, W.P.No.5784 of 2005 and batch were filed challenging the notifications under Section 4(1) r/w Section 17(4) of the Act and the declarations under Section 6 of the Act.

10. Those writ petitions in W.P.Nos.5784 of 2005 & batch covered both G.O.Ms.No.170, dated 02.02.2005, and G.O.Ms.No.233, dated 23.02.2005, and were disposed of by a common order dated 29.08.2005. Accordingly, the writ petitions were allowed, directing the Revenue Divisional Officer (LAO), Eluru, West Godavari District, to afford an opportunity of hearing to the writ petitioners and conduct an enquiry under Section 5-A of the Act in accordance with law. The contention of the writ petitioners therein that the purpose notified under Section 4(1) of the Act was ambiguous, did not find any merit. But, it was held that the enquiry under Section 5-A of the Act could not be dispensed with, as there was no such urgency in the public purpose so as to invoke Section 17(4) of the Act.

11. The operative part of the common judgment/order in W.P.No.5784 of 2005 and batch in paragraphs 11 to 13 reads as under:

> *"**11**. It is a settled proposition that providing amenities to pilgrims comes within the ambit of public purpose. According to Section 4 of the L.A. Act, it is only necessary to state in the notification that the land is needed for the public purpose. The*

wording of Section 5-A would make it further clear that all that is necessary to be specified in a notification under Section 4 is that the land is needed for a public purpose. One reason for specification of the particular public purpose in the notification is to enable the person whose land is sought to be acquired to file objections under Section 5-A of the Act. Unless a person is told about the specific purpose of the acquisition, it may not be possible for him to file a meaningful objection against the acquisition under Section 5-A. I think that the question whether the purpose specified in a notification under Section 4 is sufficient to enable an objection to be filed under Section 5-A would depend upon the facts and circumstances of each case. The purpose for which the lands are proposed to be acquired is mentioned in the notifications dated 16.2.2005 and 23.2.2005. The contention of the petitioners that the purpose notified under Section 4(1) notification is ambiguous has no merit.

12. *Coming to the dispensing of the enquiry under Section 5-A of the Act, as on this day, possession of the lands has not been taken, and sufficient time has elapsed since the Section 4(1) notification. In the circumstances, I deem it appropriate to direct the 2nd respondent to afford an opportunity to the petitioners and hold an enquiry under Section 5-A of the Land Acquisition Act.*

13. In the light of the reasons recorded supra, the 2nd respondent herein is directed to afford an opportunity to the petitioners and to hold an enquiry under Section 5-A of the Act, in accordance with the law. Writ petitions are accordingly disposed of with the above directions. In the facts and circumstances of the case, this court makes no order as to costs."

12. An enquiry was thereafter held under Section 5-A of the Act.

13. The respondents issued notice under Section 9(3) & 10 of the Act, to the petitioners without publishing any declaration under Section 6 of the Act. Such an action was challenged in W.P.No.27295 of 2005 by the writ appellants of W.A.No.637 of 2010, which was allowed *vide* judgment dated 27.12.2005.The notices were set aside, observing that further steps could be taken only after a declaration under Section 6 of the Act was published. The relevant part of the judgment dated 27.12.2005 in W.P.No.27295 reads as under :

> *"Therefore, this writ petition is allowed. The impugned notice is set aside. It shall however be open to the second respondent to complete the enquiry under Section 5-A of the Act and proceed further In accordance with law. There shall be noder as to costs."*

14. The Government then published the declaration under Section 6 of the Act on 12.04.2007 in respect of the properties and lands which were the subject matter of W.P.No.5784 of 2005 and batch.

15. Challenging the declaration under Section 6, dated 12.04.2007, W.P.No.10140 of 2007 was filed and the same was dismissed along with other writ petitions by way of a common order dated 08.06.2010.

II. Common Judgment/order dated 08.06.2010 in W.P.Nos.10145 of 2007 and batch :-

16. The learned Single Judge held that, in issuing the publication of the declaration under Section 6 of the Act, there was no infraction of the second proviso to Section 6 of the Act. It was though observed that, while it is the settled position of law that any declaration under Section 6 of the Act published after the time stipulated under the second proviso to Section 6 of the Act is illegal and cannot be sustained in law, but it was held that in the view of the judgment of the learned Single Judge in W.P.No.5784 of 2005 and batch (the first round of litigation) there was no illegality in publishing the declaration under Section 6 of the Act, after the expiry of one year period.

17. Learned single Judge observed that by invoking Section 17(4) of the Act, Government dispensed with the enquiry under Section 5-A and published notifications under Section 4(1) and 6 of the Act. The petitioners challenged the entire proceedings by filing W.P.No.5784 of 2005 and batch. All the contentions raised by them, touching the merits, were repelled. However, the plea about dispensing with the enquiry under Section 5-A of the Act found favour with this Court, and the enquiry under that provision was directed to be held. It became necessary to set aside the declaration under Section 6 of the Act, at least to the extent it related to the properties of the petitioners; to pave the way for conducting enquiry under Section 5-A. For one reason or the other, no such direction or observation emerged. The result was that the declaration under

Section 6 of the Act, in its entirety, remained intact. That obviously is the reason why, the respondents have issued notice under Sections 9(3) and 10, after conducting enquiry under Section 5 of the Act, without publication of declaration, afresh. When they challenged those notices, this Court held that, unless a declaration is issued afresh, notices ought not to have been given. It is a different matter that declaration in respect of the lands was published at a later point of time. The fact however remains that the declarations that were published on 10-03-2005 and 16-03- 2005, by the respondents, remained intact, and were not set aside, to the extent of the properties of the petitioners, even by now. Hence, there is a compliance, at least on technical parlance, with the explanation to Section 6 of the Act, vis-à-vis the properties of the petitioners.

18. Learned Single Judge further held that even assuming that the declarations in respect of the properties of the petitioners stood impliedly set aside with the holding of enquiry under Section 5-A of the Act and subsequent publication of another declaration, the fact remains as regards the rest of the properties, it was published within the stipulated time, much so, award was also passed within months. It was the view taken that, in a case in which the declaration under Section 6 of the Act is set aside in its entirety, on the one hand, and the other where it is set aside in respect of part of the land proposed to be acquired, on the other hand, warrant different approaches, in the context of enforcing the mandate under explanation to Section 6 of the Act. With respect to the petitioner's land, it was observed that, it would be like an *'errata'* as in the

case of Section 4(1) notification, adding thereto some other items of the land which relates between the date of notification under Section 4(1) of the Act and the date of publication of the declaration under Section 6 of the Act. The previous publication under Section 6 of the Act would stand superseded for the additional lands under the same notification under Section 4(1) of the Act.

19. The relevant portion of the judgment dated 08.06.2010 in W.P.Nos.10140 of 201 and batch, reads as under:

> *"There is another factor that militates against the petitioners, and it is this: assuming that the declaration in respect of the properties of the petitioner stood impliedly set aside, with the holding of enquiry under Section 5-A of the Act and subsequent publication of another declaration, the fact remains that as regards the rest of the properties, it was published within the stipulated time, so much so, award was also passed within months. A case in which the declaration under Section 6 is set aside in its entirety, on one hand, and the one where it is set aside in respect of part of the land proposed to be acquired, on the other hand, warrant different approaches, in the context of enforcing the mandate under Explanation to Section 6. The reason is that, with the publication of notification under Section 4(1) of the Act, the rights of the owner of the land, to a substantial extent get frozen, be it, as regards the future escalation of market value, or his right to alienate the property, etc. Instances are not lacking where the owners of the land had to suffer on account of the undue delay in publication of the declaration and other proceedings, such as passing of award. The market value that remained decades together prior to the passing of the award used to be paid. To remedy that situation, timeframes were stipulated at two levels: one for publication of the declaration under Section 6 of the Act, and the other for*

> *passing of award. Sections 6 and 11 of the Act were correspondingly amended. The object underlying these amendments is to require the authorities to be alert, or to face the eventuality of the lapse of the entire proceedings."*

20. The learned Single Judge did not accept the contention of the writ petitioners that the first notification/publication under Section 6 of the Act would automatically come to an end, pursuant to the common order in W.P.No.5784 of 2005, and that it was necessary to issue a fresh publication under Section 6 of the Act after conducting the enquiry, under Section 5-A of the Act, which was infact conducted in the year 2007, and thereafter, the declaration was issued in 2007 (12.04.2007), which was after the statutory period of one year from the date of the notification under Section 4(1) of the Act even after excluding the period of stay and, consequently, the contention was not accepted that the acquisition proceedings lapsed.

21. Thus, the learned Single Judge was, of the view ***firstly***, that the declaration under Section 6 of the Act, as published earlier, had not been set aside the same declaration under Section 6 of the Act continued to remain intact and ***secondly***, that the subsequent declaration under Section 6 of the Act in the year 2007 was, infact, a continuation of the previous publication under Section 6 of the Act with respect to the properties of the petitioners, applying the analogy and principle of "*erratum and addendum*" taking the view that since the first publication was within the stipulated statutory period, it could not be said that the subsequent declaration of the year 2007 was beyond the statutory period.

III. Writ Appeals :-

22. W.A.No. 637 of 2010 has been filed by the writ appellants/writ petitioners in W.P.No.10145 of 2007, being aggrieved by the common order of dismissal dated 08.06.2010 passed by the learned Single Judge in W.P.Nos.10145 and batch, challenging the Land Acquisition proceedings under notification published in G.O.Ms.No. 233 Revenue(Endowments.IV) Department dated 23.02.2005, for issuance of draft notification u/s 4(1) and declaration in Memo No.30006/Endowments.IV (2)/2004-14 dated 12.04.2007 in respect of land to an extent of Ac 0.04 ½ cents and 0.06 cents situated in Sy.No. 45/1 of Dwaraka Tirumala Village and Mandal, West Godavari District.

23. W.A.No.848 of 2010 has been filed by the writ appellants/writ petitioners in W.P.No.10206 of 2007 in W.P.Nos.10145 and batch, in respect of an extent of Ac.22.70 cents situated in Sy.No.324 of Dorasanipadu Village, Dwaraka Tirumala Mandal, West Godavari District, and W.A.No. 849 of 2010 has been filed by the writ appellants/writ petitioners in W.P.No.10299 of 2007 in W.P.Nos.10145 and batch, in respect of land to an extent of Ac.2-00 cents situated in Sy.No. 314 of Dorasanipadu Village, Dwaraka Tirumala Mandal, Wesı Godavari District, and W.A.No.919 of 2010 has been filed by the writ appellants/writ petitioners in W.P.No.10497 of 2007 in W.P.Nos.10145 and batch, in respect of land to an extent of Ac 20.70 cents situated in Sy.No. 313/2 of Dorasanipadu Village, Dwaraka Tirumala Mandal, West Godavari District, all Writ Appeals challenging the common order dated 08.06.2010.

IV. (a) Submissions of the learned counsel for the appellants :

24. Sri K.S. Murthy, learned Senior Counsel for the appellants, submitted that, after the decisions in W.P.No.5784 of 2005, dated 29.08.2005, an enquiry was held under Section 5-A, and the State Government published the declaration on 12.04.2007 under Section 6. Therefore, it is not a case where the declaration has not been issued. It is also not a case where the State is placing reliance on the first declaration. In W.P.No.10145 of 2007 impugned (in W.A.No.637 of 2010), a direction was issued that further proceedings could be taken only after a fresh declaration under Section 6. Therefore, a declaration is a must, which was, in fact, published on 12.04.2007. However, it was issued after the expiry of the period of one year from the date of the notification under Section 4(1), even after excluding the period of stay. Therefore, the land acquisition proceedings pursuant to the notification under Section 4 (1) have lapsed.

25. Sri K.S. Murthy, learned Senior Counsel for the appellants further submitted that the view taken by the learned Single Judge in the impugned judgment that the Section 6 declaration dated 12.04.2007 shall be treated as an ***addendum*** to the first declaration cannot be sustained, as there is no concept of an *addendum* with respect to the second declaration under Section 6. There has to be a fresh declaration, after the inquiry under Section 5-A, and the same had to be published within the prescribed statutory period. He placed reliance on the following judgments :

(i) Vijay Narayan Thatte and others v. State of Maharashtra and others [1]

(ii) Padma Sundara Rao (dead) and others v. State of T.N. And Others [2]

(iii) Anil Kumar Gupta v. State of Bihar and others[3]***,***

(iv) Raghunath and Others v. State of Maharashtra and Others[4]

(v) Competent Authority v. Barangore Jute Factory and Others[5]***,***

(vi) Nandeshwar Prasad and Others v. U.P. Government and Others Etc., [6]

(vii) Ram Nivas v. State of U.P. thru and others[7]***,***

IV. (b) <u>Submissions of the learned counsel for the respondents :</u>

26. Sri V. Venugopal Rao, learned Senior Counsel for the respondents, submitted that, in the earlier W.P.No.5784 of 2005, there was a challenge to the notifications under Sections 4(1), 6 and 17(4), which was decided on 29.08.2005. This Court did not interfere with the land acquisition proceedings, except to the extent of invoking Section 17(4) of the Act, and directed compliance with the procedure under Section 5-A, which had been dispensed with on account of the invocation of Section 17(4). However, this Court did not interfere either with the notification under Section 4(1) or with the declaration

[1] (2009) 9 SCC 92.
[2] AIR 2002 SC 1334
[3] 2012 (12) SCC 443
[4] AIR 1988 SC 1615
[5] (2005) 13 SCC 477
[6] 1963 SCC OnLine SC 245
[7] 2020 (139) AllLR 15

under Section 6 of the Act. The initial declaration dated 10.03.2005 and 16.03.2005, covering G.O.Ms.No.170 and G.O.Ms.No.233 dated 23.02.2005, therefore, remained intact.

27. The second declaration dated 12.04.2007, after the inquiry under Section 5-A, is to be considered as an *addendum* to the first declaration and, as such, the period of limitation under the proviso to Section 6(1) is not attracted. There can be more than one declaration in respect of the land or area covered by the same notification under Section 4(1). He submitted that the notification under Section 4(1) is a composite one and, equally, the declarations under Section 6 are also composite ones, and unless the declaration under Section 6 is quashed in toto, it cannot be said that the entire declaration is liable to be quashed. He placed reliance on the following judgments :

(i). *Gunreddy Ramkoti Reddy and others v. State of Andhra Pradesh and others*[8].

***(ii). Abdul Hussain Tayabali etc., v. The State of Gujarat and others*[9].**

***(iii). Delhi Administration v. Gurdip Singh Uban and Others*[10]**

***(iv). K. Valli Kumari v. Special Deputy Collector, (Land Acquisition), T.T.D., Tirupathi, Chittoor District and another*[11]**

***(v) State of Maharashtra v. M/s. Moti Ratan Estates*[12]** .

[8] 2014 (5) ALD 146
[9] AIR 1996 SC 432
[10] 2000 (7) SCC 296
[11] 2005 (3) ALD 611
[12] AIR 2019 SC 4149

28. Sri V. Venugopal Rao, learned Senior Counsel further submitted that if there is a stay operating against any piece of land covered under the same notification, the authorities cannot proceed further in respect of the other extent also. The question of expiry of the stipulated period does not arise. He submitted that it was pleaded in the counter-affidavit of the 4th respondent that there was a stay operating in W.P.No.7223 of 2005 (another writ petition) which was granted in the year 2005. He further submitted that the petitioners were afforded an opportunity of hearing under Section 5-A, and the competent authority submitted its report to the Government, which, upon due consideration of the objections, decided to proceed further and issued the Section 6 declaration on 12.04.2007. Thus, he submitted that there is no illegality in the judgment of the learned Single Judge in W.P.Nos.10145 of 2007 and batch, and the writ appeals deserve to be dismissed.

V. Points for determination :-

29. In view of the submissions advanced by the learned counsels for the parties, the following points arise for consideration: -

(1) Whether the second publication under Section 6(1) of the Land Acquisition Act, 1894, in respect of the petitioners' land, issued on 12.04.2007, is within the prescribed statutory period, after excluding the period of stay, and is valid?

(2) Whether the second declaration under Section 6(1), dated 12.04.2007, can be considered as an ***addendum or erratum*** *to*

the first declaration under Section 6 of the Act, dated 10.03.2005 & 16.03. 2005 respectively?

(3) Whether the period of stay granted in W.P.No.7223 of 2005 in the year 2005, which pertains to some other land covered by the same notification under Section 4, can be excluded while considering the statutory period under the proviso to Section 6(1) of the Act, with respect to the petitioners' land, in respect of which separate writ petitions were filed and, pursuant to the directions issued therein, further proceedings were taken by the State Government?

(4) Whether the impugned judgment dated 08.06.2010 passed in W.P.Nos.10145 of 2007 and batch is liable to be maintained or calls for interference?

VI. Consideration/Analysis on Point Nos.1 to 4 :-

30. All the points being inter-related are being taken up together.

31. We reproduce Sections 5-A and 6 of the Act,1894, which read as under :

Section 5-A. Hearing of objections.—

(1) Any person interested in any land which has been notified under section 4, sub-section (1), as being needed or likely to be needed for a public purpose or for a company may, within **thirty days** from the date of the publication of the notification, object to the acquisition of the land or of any land in the locality, as the case may be.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard **[in person or by any person authorised by him in this behalf]** or by pleader

and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, **either make a report in respect of the land which has been notified under section 4, sub-section (1), or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him**, for the decision of that Government. The decision of the appropriate Government on the objections made under sub-section (1) shall be final.

(3) Where a declaration has been made under sub-section (1) of section 6, the Collector shall, subject to the provisions of this Act, make an order for the acquisition of the land.

Section 6 — Declaration that land is required for a public purpose

6. Declaration that land is required for a public purpose :-[(1) Where the appropriate Government or the District Collector is satisfied that any particular land is needed for the purpose of construction, extension or improvement of any dwelling house for the poor, a declaration shall be made to that effect under the signature of a Secretary to such Government or any other officer duly authorized to certify their orders or the District Collector as the case may be, and different declarations may be made, from time to time, in respect of different parcels of land covered by the same notification under Section 4, sub-section (1):

Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid wholly or partly out of public revenues or some fund controlled or managed by a local authority]

"[Provided that no declaration in respect of any particular land covered by a notification under Section 4. sub-section (1):--

(i) published after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1957 (1 of 1957), but before the commencement of

the Land Acquisition (Amendment) Act, 1984, shall be made after the expiry of **three years** from the date of the publication of the notification; or

(ii) published after the commencement of the Land Acquisition (Amendment) Act, 1984, shall be made after the expiry of **one year** from the date of the publication of the notification:

Provided further that no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a Company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority.

Explanation 1.— In computing any of the periods referred to in the first proviso, the period during which any action or proceeding to be taken in pursuance of the notification issued under Section 4, sub-section (1), is stayed by an order of a Court shall be excluded.

Explanation 2.— Where the compensation to be awarded for such property is to be paid out of the funds of a corporation owned or controlled by the State, such compensation shall be deemed to be compensation paid out of public revenues.

32. In ***Padma Sundara Rao*** (supra), the controversy was as to whether, after quashing of the notification under Section 6 of the Land Acquisition Act, 1894, a fresh period of one year is available to the State Government to issue another notification under Section 6 of the Act. The matter was before the Constitution Bench of five Judges in view of the fact that in the earlier three-Judge Bench decision in *N. Narasimhaiah and others v. State of Karnataka and others*, {1996 (3) SCC 88}, and in another case, *A.S. Naidu and others v. State of Tamil Nadu and others*, also decided by a three-Judge Bench, some conflict was noticed. In the latter case, i.e., *A.S. Naidu*, it was held that

once the declaration under Section 6 of the Act had been quashed, a fresh declaration under Section 6 could not be issued beyond the prescribed period from the date of publication of the notification under sub-section (1) of Section 4 of the Act. Whereas, in *N. Narasimhaiah*, it was held that the notification issued within a period of one year from the date of quashing of the notification under Section 6 by the Court was validly issued, taking the view that a fresh period of one year would be available to the State Government from the date of quashing of the previous notification. The Constitution Bench held that, in terms of the proviso, the declaration cannot be made under Section 6 in respect of any land covered by the notification under Section 4(1) of the Act after the expiry of three years or one year from the date of its publication, as the case may be. The proviso deals with two types of situations. It provides for different periods of limitation depending upon whether (i) the notification under Section 4(1) was published prior to the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967, but before the commencement of the Land Acquisition (Amendment) Act, 1984; or (ii) such notification was issued after the Land Acquisition (Amendment) Act, 1984. In the former case, the period is three years, whereas, in the latter case, it is one year.

33. The Hon'ble Apex Court further held that the stipulation regarding urgency in terms of Section 5-A of the Act has no role to play when the period of limitation under Section 6 is reckoned.

34. The Hon'ble Apex Court held that, after the quashing of the declaration, the same became non-est and was effaced. There was no bar on issuing a fresh declaration after following the due procedure. The Hon'ble Apex Court further held that if the legislature intended to give a new lease of life in those cases where the declaration under Section 6 is quashed, there is no reason why it could not have done so by specifically providing for it. The fact that the legislature specifically provided for periods covered by orders of stay or injunction, clearly shows that no other period was intended to be excluded, and that there is no scope for providing any other period of limitation. The view expressed in *N. Narasimhaiah's* case and followed in *D.C. Nanjudaiah's* case "{1996 (10) SCC 619} was held to be not correct, and the view taken in *A.S. Naidu's* case was affirmed.

35. Paragraph Nos. 10, 13, 15 & 16 in ***Padma Sundara Rao*** (supra) read as under :

> **"10.** It may be pointed out that the stipulation regarding the urgency in terms of Section 5-A of the Act has no role to play when the period of limitation under Section 6 is reckoned. The purpose for providing the period of limitation seems to be the avoidance of inconvenience to a person whose land is sought to be acquired. Compensation gets pegged from the date of notification under Section 4(1). Section 11 provides that the valuation of the land has to be done on the date of publication of notification under Section 4(1). Section 23 deals with matters to be considered in determining the compensation. It provides that the market value of the land is to be fixed with reference to the date of publication of the notification under Section 4(1) of the Act. The prescription of time-limit in that background is, therefore, peremptory in nature. In *Ram Chand* v. *Union of India* [(1994) 1 SCC 44] it was held by this Court that though no period was prescribed, action within a reasonable time was warranted. The said case related to a dispute which arose before prescription of specific periods. After the quashing of declaration, the

same became non est and was effaced. It is fairly conceded by learned counsel for the respondents that there is no bar on issuing a fresh declaration after following the due procedure. It is, however, contended that in case a fresh notification is to be issued, the market value has to be determined on the basis of the fresh notification under Section 4(1) of the Act and it may be a costly affair for the State. Even if it is so, the interest of the person whose land is sought to be acquired, cannot be lost sight of. He is to be compensated for acquisition of his land. If the acquisition sought to be made is done in an illogical, illegal or irregular manner, he cannot be made to suffer on that count.

13. While interpreting a provision the court only interprets the law and cannot legislate it. If a provision of law is misused and subjected to the abuse of process of law, it is for the legislature to amend, modify or repeal it, if deemed necessary. (See *Rishabh Agro Industries Ltd.* v. *P.N.B. Capital Services Ltd.* [(2000) 5 SCC 515]) The legislative casus omissus cannot be supplied by judicial interpretative process. Language of Section 6(1) is plain and unambiguous. There is no scope for reading something into it, as was done in *Narasimhaiah case* [(1996) 3 SCC 88] . In *Nanjudaiah case* [(1996) 10 SCC 619] the period was further stretched to have the time period run from date of service of the High Court's order. Such a view cannot be reconciled with the language of Section 6(1). If the view is accepted it would mean that a case can be covered by not only clause (*i*) and/or clause (*ii*) of the proviso to Section 6(1), but also by a non-prescribed period. Same can never be the legislative intent.

15. The plea relating to applicability of the stare decisis principles is clearly unacceptable. The decision in *K. Chinnathambi Gounder* [AIR 1980 Mad 251 : (1980) 2 MLJ 269 (FB)] was rendered on 22-6-1979 i.e. much prior to the amendment by the 1984 Act. If the legislature intended to give a new lease of life in those cases where the declaration under Section 6 is quashed, there is no reason why it could not have done so by specifically providing for it. The fact that the legislature specifically provided for periods covered by orders of stay or injunction clearly shows that no other period was intended to be excluded and that there is no scope for providing any other period of limitation. The maxim *actus curiae neminem gravabit* highlighted by the Full Bench of the Madras High Court has no application to the fact situation of this case.

16. The view expressed in *Narasimhaiah case* [(1996) 3 SCC 88] and *Nanjudaiah case* [(1996) 10 SCC 619] is not correct and is overruled while that expressed in *A.S. Naidu case* [SLPs (C) Nos. 11353-55 of 1988] and *Oxford case* [(1995) 5 SCC 206] is affirmed."

36. In ***Vijay Narayan Thatte*** (supra) a notification under Section 4 of the Land Acquisition Act, was issued on 29.08.2002. Thereafter, a notification under Section 6 of the Act was issued on 18.06.2003. The notification under Section 6 was challenged. The writ petition was allowed on 21.01.2004, and the notification under Section 6 of the Act was quashed. Subsequently, a second notification under Section 6 was issued on 30.10.2006 by the State Government. The question which arose for consideration was whether the notification under Section 6 dated 30.10.2006 was valid. The Hon'ble Apex Court held that the said notification was clearly barred by clause (ii) of the proviso to Section 6 of the Act. The Hon'ble Apex Court held that a plain reading of the proviso to Section 6 of the Land Acquisition Act shows that it is a general prohibition against the whole world, and not against a particular person.

37. The Hon'ble Apex Court held that Section 6 is couched in negative language, and it is well settled that when a statute is couched in negative language, it is ordinarily regarded as peremptory and mandatory in nature. The Hon'ble Apex Court referred to the judgment of the Constitution Bench in ***Padma Sundara Rao (supra)*** wherein it was held that the proviso to Section 6 is mandatory. The Hon'ble Apex Court held that the proviso to Section 6 shows that the language thereof is clear. There was no scope for consideration of equity, public interest, or seeking the intention of the legislature. The notification dated 30.10.2006 in that case, was held to be beyond the period prescribed by the proviso to Section 6 of the Act.

38. Paragraph Nos. 3, 4, 17 & 21 to 24 in ***Vijay Narayan Thatte*** (supra) reads as under :

> **"3.** The short question that arises for consideration is whether the Notification under Section 6 dated 30-10-2006 is valid.
>
> **4.** In our opinion, the said notification was clearly barred by clause (*ii*) of the proviso to Section 6 of the Act which reads as under:
>
> > "6. Provided that no declaration in respect of any particular land covered by a notification under Section 4 sub-section (1),—
> >
> > (*i*)***
> >
> > (*ii*) published after the commencement of the Land Acquisition (Amendment) Act, 1984, shall be made after the expiry of one year from the date of the publication of the notification:"
>
> It can be seen from the aforesaid proviso to Section 6 that it is couched in negative language. It is well settled that when a statute is couched in negative language it is ordinarily regarded as peremptory and mandatory in nature. (See *Principles of Statutory Interpretation* by Justice G.P. Singh, 11th Edn., 2008, pp. 390 to 392.)
>
> **17.** A plain reading of the proviso to Section 6 of the Land Acquisition Act shows that it is a general prohibition against the whole world and not against a particular person. Hence the kalanja maxim of the Mimansa system will in our opinion apply to the proviso to Section 6.
>
> **21.** In view of the above discussion, it is evident that the proviso to Section 6 of the Land Acquisition Act is totally mandatory and bears no exceptions. In fact, a Constitution Bench decision of this Court in *Padma Sundara Rao* v. *State of T.N.* [(2002) 3 SCC 533] is clearly in support of the submission of the learned counsel for the appellants that the proviso to Section 6 is mandatory, and hence the Notification under Section 6 dated 30-10-2006 is time-barred.
>
> **22.** In our opinion, when the language of the statute is plain and clear then the literal rule of interpretation has to be applied and there is ordinarily no scope for consideration of equity, public interest or seeking the intention of the legislature. It is only when the language of the statute is not clear or ambiguous or there is some conflict, etc. or the plain language leads to some absurdity that one can depart from the literal rule of interpretation. A perusal of the proviso to Section 6 shows that the language of the proviso is clear. Hence the literal rule of interpretation must be applied to it. When there is a conflict between the law and equity it is the law which must prevail. As stated in the Latin maxim *dura lex sed lex* which means "the law is hard but it is the law".

23. Learned Attorney General appearing for the respondents submitted that the judgment of the High Court dated 20-1-2004 permitted the authorities to issue a second Section 6 notification even beyond the time provided by the proviso to Section 6 of the Act. He has invited our intention to paras 2 and 3 of the said judgment which read:

> "*2*. Having gone through the record of the petition and the file which is made available to us by Mr Patil, with respect to the acquisition of lands of the petitioners, we are of the view that the petitioners did not appear to have been afforded reasonable opportunity as is required under Section 5-A of the Land Acquisition Act, 1894. No reasons are insisted upon in justification of this conclusion which we have arrived at as declaration under Section 6 issued concerning the lands of the petitioners dated 29-8-2002 will have to be set aside and the same is hereby quashed and set aside. The petitioners need inspection of the record from the office of the Land Acquisition Officer. Mr Patil, AGP assures that within one week from today, inspection will be offered to the petitioners. Dr. Tulzapurkar states that the petitioners will file their objections within two weeks thereafter.
>
> *3*. All parties agree that hearing contemplated under Section 5-A by the Special Land Acquisition Officer should be completed within two months thereafter as far as possible. Dr. Tulzapurkar makes a statement on instructions from the petitioners that the objections with respect to the period within which Section 6 notification has to be issued from the date of Section 4 notification, will not be raised by the petitioners if the petitioners are finally aggrieved by the Section 5-A report and subsequent declaration under Section 6. Needless to say that the Special Land Acquisition Officer should pass a reasoned order when he considers the objections from the petitioners. The entire proceeding will be based on Section 4 notice which has led to the present proceedings and that notice will continue to govern the acquisition of these lands."

24. In our opinion, there can be no estoppel against a statute. Since the statute is very clear, the period of limitation provided in clause (*ii*) of the proviso to Section 6 of the Act has to be followed, and concessions of the counsel can have no effect. As already stated above, the proviso is mandatory in nature, and must operate with its full rigour vide *Ashok Kumar* v. *State of Haryana* [(2007) 3 SCC 470] (SCC para 17)."

39. In ***Competent Authority*** (supra), the Hon'ble Apex held in paragraph No.11 which reads as under :

"**11.** About the argument based on vesting of the land in the Central Government, it is to be seen that if the initial notification is bad, all steps taken in pursuance thereof will fall with it. Vesting under Section 3-D(2) arises on a declaration by the Central Government under Section 3-D(1). The declaration is the result of disposal of objections under Section 3-C. Each step is a consequence of earlier step and in that sense all the steps are linked to the initial notification for acquisition under Sections 3-A(1) and (2). This initial notification has been held to be not in accordance with law. When the foundation goes, rest of the edifice falls. The invalid notification under Section 3-A renders all subsequent steps invalid. Therefore, vesting of land in the Central Government in the present case cannot be said to be lawful and it does not advance the case of the competent authority or NHAI. Taking possession of the land is yet another step in the same sequence and is again subject to the initial notification being held valid. The initial notification having been invalidated, there can be no legal or valid vesting of land in favour of the Central Government."

40. In ***Nandeshwar Prasad and Others*** (supra), the Hon'ble Apex held in paragraph No.13 reads as under :

"13 ……..Now if there had been no economy of words and sub-section (1-A) had read as we have indicated above, it could not have been possißle to argue that sub-section (4) of Section 17 also covered cases of Section 17(1-A). Therefore, simply because for the sake oi economy of words the legislature has used the words which it did in sub-section(1-A), it cannot be said that it was either amending sub-section (1) or sub- section (4). In the absence of such amendment either in sub-section (1) or sub-section (4) and in the absence of any specific provision being introduced in Section 17 by which sub-section (4) was also to apply to the new sub-section (1-A), it cannot be said that power was conferred on the State Government to apply sub-section (4) also to case falling under sub-section (1-A), simply by the introduction of sub- section (1-A) in the form in which it was introduced in Section 17. We are therefore of opinion that it was not open to the State Government to say in the notification under Section 4 that proceedings under Section 5-A shall not take place. This part of the notification under Section 4 is therefore beyond the

powers of the State Government. In consequence the notification under Section 6' also as it was issued without taking action under Section 5-A must fall.....”

41. In ***Ram Nivas*** (supra) the date of notification under Section 4 was 28-11-2005 and that of declaration under Section 6 was 11-5-2012. The question was whether the declaration under Section 6 was within the time of one year from the date of publication under Section 4 of the Act, excluding the period during which stay was having been operated. The Allahabad High Court at Paragraph Nos.33 to 42 held as under :

“33. In view of the above well acknowledged legal principle since proviso(ii) to Section 6 of the Act mandates for issuing of the declaration within a year from the date of notification under Section 4 of the Act, the declaration has to be made within the said period and not otherwise.

34. In Padmasundara Rao (Dead) Vs. State of Tamil Nadu & others (2002) 3 SCC 533, the Five Judges of the Supreme Court in reference to the period of limitation regarding declaration under Section 6 of the Act observed that language of Section 6(1) is plain and unambiguous. There is no scope for reading something into it. If the legislature has specifically provided for the period of limitation and to exclude periods covered by the stay orders, it clearly means that no other period is intended to be excluded and that there is no scope for providing any other period of limitation other than which is prescribed under the Act.

35. In Ashok Kumar & others Vs. State of Haryana and another (2007) 3 SCC 470 the Apex Court held that the limitation provided in proviso (ii) appended to Section 6(1) of the Act is mandatory in nature. Any declaration made after the expiry of one year from the date of the notification issued under Section 4 of the Act would be void and will have no effect.

36. A Division Bench of this court in Mahavir Sahkari Awas Samiti Ltd. Vs. State of U.P. and another (2007) 2 AWC 1162 (DB) of which one of us (P. Mithal J.)

was the member in context to the validity of a declaration made under Section 6 of the Act on the ground of its limitation held that the court had no competence to extend the period of limitation and that direction of the court to deal with the mater in accordance with law does not extend the statutory limitation. Therefore, a declaration or a fresh declaration under Section 6 of the Act could not have been made after the expiry of one year excluding period of stay, from the date of issuance of the publication of the notification under Section 4 of the Act.

37. In Vijay Narayan Thatte & others Vs. State of Maharastra & others (2009) SCC 92 again in reference to a declaration under Section 6 of the Act it was held since the statute is very clear, the period of limitation provided in proviso (ii) to Section 6 of the Act has to be followed and even the concession of the counsel cannot obliterate the same as it is mandatory in nature and must operate with its full rigour.

38. In Oxford English School Vs. Government of Tamil Nadu & others (1995) (5) SCC 206 it has been laid down that the High Court could not have given any direction permitting issuance of the declaration under Section 6 of the Act from the date of its judgement if otherwise the limitation is over.

39. In the State of Punjab and another Vs. Rajesh Syal (2002) 8 SCC 158 the Supreme Court observed that it has ample jurisdiction to pass orders under Article 142 (1) of the Constitution of India that may be necessary for doing complete justice in any case but even in exercise of that power it is more than doubtful, if it can pass order contrary to law. Thus, it was held that court can not extend the period of limitation.

40. Thus, even the Supreme Court in exercise of its jurisdiction under Article 142 of the Constitution of India would not ordinarily grant a relief that would be in violation of statutory provision or to do an act which may be contrary to the express provisions of Law.

41. In Anil Kumar Gupta Vs. State of Bihar & others (2012) 12 SCC 443 the court opined that a declaration issued under Section 6 of the Act after the expiry of one year from the date of notification under Section 4 of the Act, is a nullity.

> 42. In view of above legal position and the mandatory requirement of issuing a declaration within a year from the date of publication of notification under Section 4 of the Act excluding period of stay, the impugned declaration made under Section 6 of the Act on 11.05.2012 is patently beyond time and is not only illegal but a nullity."

42. Almost the same controversy came up for consideration before this Court in ***S.Pichappan (Died) and Others v. District Collector and Others***[13] which were decided *vide* common order dated 20.01.2026 by the learned Single Judge. Paragraph Nos.68, 69, 72 to 74 read as under:

> "**68.** In ***Padma Sundara Rao*** (supra) the Hon'ble Apex court considered the three Judge Bench judgment in N.Narasimhaiah v. State of Karnataka (1996) 3 SCC 8 and State of Karnataka v. D.C.Nanjudaiah (1995) 5 SCC 206. In Narasimhaiah's case the notification under Section 4(1) was published, dispensing with the enquiry under Section 5A and invoking urgency clause and declaration was published within one month but the possession was not taken due to dilatory tactics of the interested person and the court ultimately found that the exercise of urgency power was not warranted and so it was neither valid nor proper and directed the Government to give an opportunity to the interested person and to conduct an enquiry under Section 5-A. It was held that, if the enquiry is dragged for obvious reasons, declaration under Section 6(1) cannot be published within the limitation from the original date of the publication of the notification under Section 4(1). A valid notification under Section 4(1) becomes invalid. It was held that on the other hand, after conducting enquiry as per court order and, if the declaration under Section 6 is published within one year from the date of the receipt of the order passed by the High Court, the notification under Section 4(1) becomes valid since the action was done pursuant to the orders of the court and compliance with the limitation prescribed in clauses (i) and (ii) of the first proviso to sub-section (1) of the Act

[13] W.P.No.19806 of 2009 and W.P.No. 24126 of 2012, decided on 20.01.2026

would be satisfied. The Nanjudaiah's case followed the aforesaid view as in Narasimhaiah's case (supra).

69. The Hon'ble Apex Court in ***Padma Sundara Rao*** (supra) held that stipulation regarding the urgency in terms of Section 5A of the Act has no role to play when the period of limitation under Section 6 is reckoned. The Hon'ble Apex Court held further that, the legislative casus omissus cannot be supplied by judicial interpretative process. Language of Section 6(1) is plain and unambiguous and there is no scope for reading something into it. The period could not be stretched to have the time period run from date of the order of the High Court or from the service of High Court's order. The view taken in Narasimhaiah's case (supra) that the period under Section 6 proviso was from the date of the receipt of the order of the High Court and if the declaration was within the statutory period from the date of the order or from the date of service of the order, the notification under Section 4(1) becomes valid, was not approved but was overruled. The Hon'ble Apex Court in ***Padma Sundara Rao*** (supra), held that such a view could not be reconciled with the language of Section 6(1) and if the view was accepted it would mean that a case can be covered by not only clauses (i) and (ii) of proviso of Section 6(1) of the Act, but also by a non-prescribed period and the same can never be the legislative intent. The declaration under Section 6 was quashed as the same was after the statutory period, laying down that the legislature specifically provided for periods covered by orders of stay or injunction which clearly showed that no other period was intended to be excluded and that there was no scope for providing any other period of limitation.

72. The position of law on the aforesaid aspect is thus well settled that

> ***i)*** *The declaration under Section 6 cannot be made in pursuance of the notification under Section 4(1) of the Act, after the expiry of three years or one year, as the case may be under the proviso to Section 6, depending upon the publication of the notification under Section 4(1) before or after the commencement of the Land Acquisition (Amendment) Act, 1984;*
>
> ***ii)*** *In computing the period of three years or one year, as the case may be under the proviso to Section 6 of the Act, the period during*

which any action or proceeding to be taken in pursuance of the notification under Section 4(1), is stayed by an order of the Court, shall be excluded;

iii) *there is no scope of providing any other period of limitation or excluding any other period, and*

iv) *the stipulation regarding the urgency in terms of Section 5A of the Act has no role to play when the period of limitation is reckoned under Section 6 of the Act.*

73. In the light of the aforesaid legal position, while calculating the period under Section 6 for publication, the period during which there is stay, shall be excluded. So, excluding that period of stay the fresh notification under Section 6, when issued, may be within the statutory period or it may not be as well. But, at this stage it cannot be so determined. After the decision under Section 5A, if the notification under Section 6 is issued then such a question may arise which may be open to be agitated at that stage in appropriate proceedings.

74. On **Point-C**, it is held that if the decision taken by the Government under Section 5-A is for acquisition then the notification under Section 6, can be issued only within the limitation period in terms of Section 6(1) proviso (ii) Explanation 1, otherwise not, but in such a case fresh acquisition proceedings can be taken in accordance with law."

43. In view of the Constitution Bench judgment that the provisions of Section 6(1) are mandatory, the declaration issued beyond the period of one year or three years, as the case may be, from the last publication of the notification issued under Section 4(1) would be a nullity.

44. We are also of the view, following the well-settled proposition laid down in the aforesaid judgments, that while calculating the period of one year

under the proviso to Section 6(1), the period during which there was a stay in the Court proceedings has to be excluded. In the present case, there is no dispute that, after excluding the period of stay, the fresh publication of the Section 6(1) notification in the year 2007 was not within the period of one year.

45. We are also of the view that once the learned Single Judge, in the previous proceedings in W.P.No.5784 of 2005 *vide* dated 29.08.2005 had allowed the writ petition and directed holding of an enquiry under Section 5-A in accordance with law, it cannot be said that the notification under Section 6, which was also impugned in those petitions, survived. Even if the notification under Section 6 was not expressly quashed by the learned Single Judge, the necessary consequence of directing the holding of enquiry proceedings under Section 5-A would result in the automatic cancellation or setting aside of the publication under Section 6(1).

46. Once it was held in those batch of W.P.No.5784 of 2005 that the opportunity of hearing or enquiry under Section 5-A had been illegally dispensed with, and that there was no urgency for public purpose under Section 17 so as to dispense with the enquiry, and the notification under Section 17 was also set aside, as a necessary consequence, the publication under Section 6 would not stand. The reason is that Section 5-A provides for filing of objections to the notification under Section 4(1), an opportunity of being heard, making of the report by the Collector to the State Government, and for the appropriate Government to take a decision thereon. The decision under Section 5-A(2) is

final, and thereafter, upon the State Government being satisfied, after considering the report, the declaration under Section 6(1) is to be issued.

47. The previous declarations under Section 6 of the Act dated 10.03.2005 and 16.03.2005 were issued without affording an opportunity of hearing under Section 5-A. Once a direction was issued to hold an enquiry under Section 5-A, it is only upon being satisfied with the report and finding that the objections are not sustainable and that there is a public purpose, notwithstanding the objections, that the State Government has to issue the declaration under Section 6. Therefore, in a case where an enquiry is held, the declaration follows the decision under Section 5-A. In cases where Section 17 is invoked along with Section 4, the declaration is made immediately upon publication of those notifications. It is not preceded by an enquiry under Section 5-A. The very pre-condition under Section 6 is that “where the appropriate Government is satisfied after considering the report, if any, made under Section 5-A, sub-section (2), that any particular land is needed for the public purpose or for a company, a declaration shall be made……”. Thus, the first declaration under Section 6(1) was made without the Government being satisfied on the basis of an enquiry under Section 5-A. Once the enquiry was directed by the Court, the Section 6 publication could only be made upon satisfaction as contemplated under Section 6 read with Section 5-A. Both declarations, one made dispensing with Section 5-A enquiry invoking Section 17(4) of the Act, and the other made after enquiry under Section 5-A, therefore, stand on different

footing. It cannot be said that the second declaration, after the enquiry, is a continuation of the first declaration. So upon the direction of this Court in W.P.No.5784 of 2005 to hold the enquiry under Section 5-A, the declarations dated 10.03.2005 and 16.03.2005 issued previously under Section 6 were rendered inefficacious and of no legal sanctity.

48. In ***Raghunath and Others*** (supra), the facts were that a notification under Section 4 was issued on 22.06.1982, followed by a declaration under Section 6 dated 15.03.1983. Both the notifications were challenged before the High Court. The Section 4 notification was challenged on the ground of mala fides, and the declaration under Section 6 was challenged on the ground that the petitioners therein had not been heard on their objections before the making of the declaration. During the pendency of the case, a statement was made on behalf of the Government that the notification under Section 6 was being withdrawn. After the statement was made, the writ petition was withdrawn and disposed of accordingly. Thereafter, the petitioners were heard under Section 5-A of the Act, and a fresh declaration under Section 6 was issued on 04.04.1985.

49. There, the petitioners again filed a petition before the High Court challenging the notification under Section 4 as being vitiated by mala fides and non-application of mind. However, the High Court did not find any merit in the petition, and the same was dismissed. On that count, the Hon’ble Apex Court did not interfere, finding no reason to do so.

50. However, another question was raised, namely, whether the withdrawal of the earlier declaration dated 15.03.1983 had the automatic effect of also rendering the notification under Section 4 dated 22.06.1982 ineffective and infructuous. That contention was also not accepted. Relying upon its own judgment in *State v. Vishnu Prasad Sharma* {AIR 1966 SC 1593}, it was held that the High Court was right in taking the view that the observations in *Vishnu Prasad Sharma* (supra) were in respect of an invalid declaration under Section 6. It was held that once there was a valid declaration under Section 6, the scope of the notification under Section 4 would get exhausted. However, that principle could not be applied to a case where the declaration under Section 6 is proved to be invalid, ineffective or infructuous for some reason.

51. The Hon'ble Apex Court in ***Raghunath and Others*** (supra) observed the distinction between a case where there is an effective declaration under Section 6, which precludes the issuance of further declarations in respect of other parts of the land covered by the notification under Section 4 but not covered by the declaration issued under Section 6, and a case where, for some reason, the declaration under Section 6 is invalid. The Hon'ble Apex Court further observed that there is no distinction between a case where a declaration under Section 6 is declared invalid by the Court and a case in which the Government itself withdraws the declaration under Section 6 when some obvious illegality is pointed out.

52. In ***Raghunath and Others*** (supra), after withdrawal of the previous notification by the Government, no declaration under Section 6 was issued in view of the second notification under Section 4. In the said case, another notification under Section 4 was issued, also covering some of the lands which were part of the first notification under Section 4. The Hon'ble Apex Court observed that, by issuance of the second notification under Section 4, the first notification under Section 4 stood superseded. The Hon'ble Apex Court provided that, in respect of the lands covered by the first notification under Section 4, which were also covered by or comprised in the second notification under Section 4, further proceedings regarding acquisition should be taken in accordance with law only in pursuance of the later notification, and the proceedings so initiated in respect of such lands by the first notification should be deemed to have been superseded.

53. From the aforesaid judgment, in ***Raghunath and Others*** (supra) the principle of law that follows is that setting aside of the Section 6 notification by the Court or its withdrawal by the State stands on the same footing. Either on setting aside or withdrawal of the Section 6 notification, if the Section 4 notification is to be given effect to, there must be a fresh notification under Section 6. Once such notification is to be issued, it has to be in terms of Section 6, which prescribes the period of limitation for its issuance.

54. In the said case, it was directed to proceed with respect to the same land which was also covered by the first notification under Section 4, for the

reason that the second notification covering those lands had been issued. With respect to the land for which the second notification under Section 4 was not issued, the Hon'ble Apex Court held clearly that the proceedings would not be vitiated in respect thereof. It follows from the direction that, in the absence of a notification under Section 6 with respect to those lands which were covered under the previous notification under Section 4, further land acquisition proceedings could not be continued. With respect to those lands which were covered by the first notification and also the second notification, only further proceedings could be taken in accordance with law, pursuant to the second notification under Section 4 of the Act.

55. Applying the said principle to the facts of the present case, with respect to the land, or part of the land, covered under the notification under Section 4 relating to the writ petitioners, further proceedings could be taken only upon issuance and publication of the notification under Section 6 after an enquiry was held under Section 5-A, and without issuing such declaration under Section 6, further proceedings could not be continued. In the present case, the declaration under Section was issued in the year 2007 after the enquiry was held. However, the same has to be within the period prescribed under the proviso to Section 6(1), which is within that period, but beyond one year from the notification under Section 4(1) of the Act. We are of the view that the proceedings under Section 4 with respect to the petitioners' land would lapse.

56. The previous declaration would not come to the rescue of the State Government for the reasons already assigned, and the fresh declaration would also not stand, as the same is beyond the provisions of the proviso to Section 6. The Constitution Bench had already laid down the law that it has to be issued within the prescribed period of limitation, and no other fact or circumstance would prevail, except the period of stay, which is to be excluded.

57. The learned Single Judge in the present case has taken the alternative view that the publication under Section 6(1) was to be treated like a corrigendum issued in the case of a Section 4(1) notification. We are of the view that the said proposition is not correct in law and that principle cannot be applied to a publication made under Section 6(1). It can be applied only to the notification under Section 4(1), but that too subject to fulfilment of the requirements of publication in the same manner as the notification under Section 4(1) is issued. However, that would not apply to a notification under Section 6(1), and the period of limitation also cannot be extended for publication under Section 6(1) like the corrigendum issued under Section 4(1).

58. In ***Anil Kumar Gupta*** (supra), the Hon'ble Apex Court held that a person who is deprived of his land can challenge the acquisition proceedings at various stages. He can question the notification issued under Section 4(1) on the ground of violation of the mandate contained therein, such as publication of the notification in the Official Gazette and/or two newspapers, including one in the regional language, or failure of the Collector to cause public notice of the

substance of the notification to be given at convenient places in the locality. He can challenge the declaration issued under Section 6(1) on the ground of non-compliance with Section 5-A(1) and/or (2), or violation of proviso (ii) to Section 6(1). Further, the invocation of the urgency clause contained in Section 17 can be questioned on the ground that there was no real urgency. The Hon'ble Apex Court referred to the Constitution Bench judgment in ***Padma Sundara Rao*** (supra) and observed that the controversy with respect to the period for issuance of the declaration under Section 6(1) was no more *res integra*, and in view of the proposition laid down therein, the declaration issued under Section 6(1) after the period of limitation prescribed in the proviso was non-est.

59. In ***Anil Kumar Gupta*** (supra), the Hon'ble Apex Court also considered the submission advanced therein that the quashing of the Section 6(1) notification was also relevant. With respect to the reliance placed therein by the counsel for the respondents upon the corrigendum dated 01.07.1994, when it was argued that, if the period of one year was counted from the date of the corrigendum, then the declaration issued under Section 6(1) could not be treated as having been issued beyond the period of one year. The said submission was not accepted by the Hon'ble Apex Court for two reasons: ***Firstly***, *it could not be shown whether the corrigendum had been published in the manner prescribed under Section 4(1); and* ***Secondly***, *the corrigendum was issued only for correcting the typographical mistakes in the Gazette publication of the notification issued under Section 4(1).*

60. The Hon'ble Apex Court in ***Anil Kumar Gupta*** (supra) held that such corrigendum would relate back to the date on which the notification under Section 4(1) was issued, but the same could not be relied upon for recording a finding that the declaration under Section 6(1) was issued within the period prescribed under proviso (ii) to that section. Paragraph No.15 in ***Anil Kumar Gupta*** (supra) reads as under:

> "**15**. The issue needs to be examined from another angle. A person who is deprived of his land can challenge the acquisition proceedings at various stages. He can question the notification issued under Section 4(1) on the ground of violation of the mandate contained therein like publication of the notification in the Official Gazette and/or two newspapers including the one in the regional language and failure of the Collector to cause public notice of the substance of the notification to be given at convenient places in the locality. He can challenge the declaration issued under Section 6(1) on the ground of non-compliance with Sections 5-A(1) and/or (2) or violation of the first proviso (*ii*) to Section 6(1). In a given case, the landowner can also challenge the notice issued under Section 9 and the award passed under Section 11 on the ground that he had not been heard or that the acquisition proceedings are a nullity. He can also challenge the award if it is not made within the period prescribed under Section 11-A. The vesting of land in the Government can be challenged on the ground that the possession had not been taken in accordance with the prescribed procedure. The invoking of the urgency clause contained in Section 17 can be questioned on the ground that there was no real urgency. There may be many more grounds on which the landowner can challenge the acquisition proceedings. Insofar as the appellant is concerned, he had challenged the acquisition proceedings immediately after passing of the award and pleaded that the declaration issued under Section 6(1) was liable to be declared a nullity because of violation of the time-limit prescribed in the first proviso (*ii*). This being the position, it is not possible to approve the view taken by the Division Bench of the High Court that the writ petition was belated."

61. In view of the aforesaid judgment, on the issue of issuance of a corrigendum, what follows is: (1) that if a corrigendum is to be issued under Section 4, it has to be issued in the manner in which the notification is issued

under Section 4; and (2) the period of limitation prescribed for publication under Section 6(1) is not to be counted from the date of publication of the corrigendum. If the corrigendum is issued in accordance with the procedure under Section 4(1), the same shall relate back to the date of publication under Section 4(1), i.e., to the initial publication under Section 4. Therefore, based on the corrigendum, the period of limitation prescribed under Section 6(1) cannot be affected.

62. In ***Gunreddy Ramkoti Reddy*** (supra), the learned Single Judge of this Court held that there can be more than one declaration under the Land Acquistion Act, 1894, which is permissible in view of the amendment to Section 6 by virtue of Act 13/1967 dated 12.04.1967, which empowers the authorities to issue different declarations. Paragraph No.20 reads as under:

> "**20**. Yet another contention advanced by the counsel for the writ petitioners that there cannot be more than one declaration under Section 6 of the Act in view of the Honble apex Courts judgment in The State Of Madhya Pradesh And Others (supra), in the considered opinion of this Court, is also unsustainable in view of the amendment to Section 6 of the Act by virtue of Act 13/1967 dated 12.04.2007 which empowers the authorities to issue different declarations and in support of the stand contra, the learned Government Pleader places reliance on Abhey Ram (Dead) By Lrs And Others. (supra)."

63. So far as the judgment in ***Gunreddy Ramkoti Reddy*** (supra) is concerned, we are of the view that there cannot be any dispute with the proposition laid down therein, in the facts, circumstances and the amendment in law, as in that case. However, we are of the view that all the separate or

different publications under Section 6 can be issued, with respect to the land covered under Section 4, are required to be issued strictly within the period prescribed under the statute. There is no dispute with the legal proposition that there can be more than one declaration or publication under Section 6(1), but in our view, following ***Padma Sundara Rao*** (supra) all such declarations are to be made within the statutory period, after excluding the period of stay.

64. In ***Moti Ratan Estates*** (supra) The Hon'ble Apex Court held and culled out the following propositions of law:

"**6.5.** On considering a catena of decisions of this Court, referred hereinabove, the following propositions of law can be culled out:

> ***(i)*** *when the scheme of the acquisition is one, interim stay granted in respect of one pocket of land would operate even with respect to other pockets of land and in such a situation the authorities are justified in not proceeding with the acquisition proceedings and therefore the acquisition proceedings would not lapse;*
>
> ***(ii)*** *interim order of stay granted in respect of one of the landowners would have a complete restraint for the authorities to proceed further;*
>
> ***(iii)*** *when the stay has been granted in one matter and where the scheme was one, the authorities were justified to stay their hands;*
>
> ***(iv)*** *the extended meaning of the words "stay of the action or proceedings under Section 11-A of the Act" would mean that any interim effective order passed by the court which may come in the way of the authorities to proceed further;*
>
> ***(v)*** *Explanation to Section 11-A of the Act is in the widest possible terms and there is no warrant for limiting the action or proceedings, referred to in the explanation, to actions or proceedings preceding the making of the award under Section 11 of the Act and therefore the period of injunction obtained by the landholders staying the acquisition and authorities from*

taking possession of the land has to be excluded in computing the period of two years."

65. The question as involved in the present case was not for consideration in ***Moti Ratan Estates*** (supra). The learned counsel for the respondent sought to apply the principle laid down in the said case with respect to the award under Section 11-A to Section 6(1).

66. We are of the view, that so far as the declaration under Section 6(1) is concerned, and the period prescribed for its publication, the authorities are bound by the law laid down by the Hon'ble Apex Court, including the Constitution Bench judgment referred to above. the State respondents proceeded to hold the enquiry pursuant to the directions issued by the High Court in the judgment in W.P.No.5784 of 2005, and did not challenge the same. They also issued Section 6(1) declaration for publication in the year 2007.

67. In view of the aforesaid, now, it cannot be said that merely because there was an interim order in one writ petition, in which the petitioners herein were not parties, and even the land was different from that of those petitioners, though it may have been the subject matter of the same notification under Section 4, that interim order granted in that petition would prevent the proceedings under Section 5-A from being taken, or that the period of stay in that petition should also be taken into account for the purposes of the proviso to Section 6(1) in the case of the present petitioners. The stay granted in the case of one person with respect to different land cannot be made applicable to the

case of other petitioners, in whose case there is a specific direction by the Court and which has been implemented.

VII. Conclusions :-

68. Thus, on consideration of the points for determination, we conclude and hold that the second publication under Section 6(1) of the Land Acquisition Act, 1894, in respect of the petitioners' land, issued on 12.04.2007, was beyond the prescribed statutory period of one year from the date of publication of the notification under Section 4(1), even after excluding the period during which the proceedings were stayed. The second publication under Section 6(1) is, therefore, not sustainable in law. The second publication dated 12.04.2007 under Section 6(1) of the Act cannot be considered an *"erratum and addendum"* to the first declaration under Section 6(1) of the Act, dated 10.03.2005 and 16.03.2005, respectively. The first publications ceased to have any legal sanctity and stood rendered ineffective following the directions issued in W.P.No.5784 of 2005 to conduct an enquiry under Section 5-A of the Act. After the enquiry under Section 5-A of the Act was conducted, a fresh publication under Section 6(1) of the Act was legally required to be issued. Such publication was, in fact, issued on 12.04.2007; however, it was not issued within the stipulated statutory period. The period of stay granted in W.P.No.7223 of 2005, which did not pertain to the land of the petitioners, cannot be excluded for the purpose of computing the limitation under Section 6 of the Act in respect of the petitioners' land. Separate writ petitions had been filed in respect of the

petitioners' land, and the same were allowed with directions to conduct an enquiry under Section 5-A of the Act. In one of the writ petitions, a direction was also issued to issue notices under Section 9 of the Act after publication under Section 6. Consequently, the impugned judgment dated 08.06.2010 passed by the learned Single Judge in W.P.No.10145 of 2007 and the batch of writ petitions deserves to be interfered with and is liable to be set aside.

69. We answer the points framed in terms of paragraph No.68 supra.

VIII. Result :-

70. In the result, ***W.A.Nos.848, 637, 849 and 919 of 2010 are allowed***. The Common order/judgment dated 08.06.2010 passed in W.P.Nos.10145 of 2007 and batch by the learned single Judge is set aside/quashed. The consequential proceedings/declarations pursuant to the notification under Section 4(1) of the Act and Section 6 of the Act published on 10.03.2005, 16.03.2005 and 12.04.2007, only with respect to the land of the writ petitioners/writ appellants (subject land in the writ appeals) shall stand set aside with all necessary consequences. The acquisition proceedings pursuant to the notification under Section 4(1) of the Act dated 02.02.2005 and 23.02.2005 with respect to the subject land of the writ appellants cannot proceed further.

71. However, the respondents shall be at liberty to proceed afresh in accordance with law, if so required.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI, J

SUNITHA GANDHAM,J

Date:
Note :- L.R. Copy to be marked.
B/o
RPD.

Whether the order is :

Speaking	Yes/ No	Reasoned	Yes/ No
Reportable	Yes/ No	Non-Reportable	Yes/ No

73

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
AND

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

(ALLOWED)

WRIT APPEAL Nos: 848, 637, 849 & 919 of 2010

Date :14.10.2026

Note :- L.R. Copy to be marked.

B/o
RPD.

*** THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**

*** THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM**

+ WRIT APPEAL Nos: 848, 637, 849 & 919 of 2010

% **14.10.2026**

W.P.No.848 of 2010

Sri Avanigadda Seetha Rama Rao and
Others.

……Appellants

And:

$ The State of Andhra Pradesh,
Rep. by its Principal Secretary and Others

….Respondents.

W.P.No.637 of 2010

Smt. Oblisetty Mangatayaru and Others.

……Appellants

And:

$ The State of Andhra Pradesh,
Rep. by its Principal Secretary and Others

….Respondents.

W.P.No.849 of 2010

Smt. Grandhi Lakshmi Hymavathi and Others.

……Appellants

And:

$ The State of Andhra Pradesh,
Rep. by its Principal Secretary and Others

….Respondents.

W.P.No.919 of 2010

Sri Pamidipati Venkateswara Rao and Others.

……Appellants

And:

$ The State of Andhra Pradesh,
Rep. by its Principal Secretary and Others

….Respondents.

!Counsel for the appellants : Sri K.S.Murthy, learned Senior Counsel,assisted by Sri P.S.P.Suresh Kumar in W.P.No.848 of 2010
Sri P.Durga Prasad in W.A.Nos.637 & 849 of 2010
Sri S.Lakshminarayana Reddy in W.P.No.919 of 2010

^Counsel for the respondent Nos.1 to 3 : Government Pleader for Land Acquisition.

^Counsel for the respondent No.4 : Sri V.Venugopal Rao, learned Senior Counsel assisted by Smt.Pulipati Radhika,

<Gist:

>Head Note:

? Cases referred:

1. (2009) 9 SCC 92.
2. AIR 2002 SC 1334
3. 2012 (12) SCC 443
4. AIR 1988 SC 1615
5. (2005) 13 SCC 477
6. 1963 SCC OnLine SC 245
7. 2020 (139) AllLR 15
8. 2014 (5) ALD 146
9. AIR 1996 SC 432
10. 2000 (7) SCC 296
11. 2005 (3) ALD 611
12. AIR 2019 SC 4149
13. W.P.No.19806 of 2009 and W.P.No. 24126 of 2012, decided on 20.01.2026

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

* * * *

WRIT APPEAL Nos: 848, 637, 849 & 919 of 2010

DATE OF JUDGMENT PRONOUNCED: ***14*.10.2026**

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

&

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

1.	*Whether Reporters of Local newspapers may be allowed to see the Judgments?*	*Yes/No*
2.	*Whether the copies of judgment may be marked to Law Reporters/Journals*	*Yes/No*
3.	*Whether Your Lordships wish to see the fair copy of the Judgment?*	*Yes/No*

_____

RAVI NATH TILHARI,J

_____

SUNITHA GANDHAM, J

Date of reserved for orders : **19.09.2026**
Date of pronouncement : **14.10.2026**
Date of uploading : **16.10.2026**

APHC010594122010

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3633]**
(Special Original Jurisdiction)

WEDNESDAY, THE 14th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

WRIT APPEAL No: 848 of 2010

Writ Appeals under clause 15 of the Letters Patent against the order dt. 08-06-2010 passed in W.P. No. 10206 of 2007.

Between:

1. AVANIGADDA SEETHA RAMA RAO, S/O. LATE VENKATA RATNAM R/O. DWARAKA TIRUMALA VILLAGE, DWARAKA TIRUMALA MANDAL, WEST GODAVARI DISTRICT.

2. AVANIGADDA CHANDRAVATHI, W/O. LATE VENKATA SATYANARAYANA R/O. DWARAKA TIRUMALA VILLAGE, DWARAKA TIRUMALA MANDAL, WEST GODAVARI DISTRICT.

3. AVANIGADDA BAPANAIAH, W/O. LATE VENKATA RATNAM R/O. SATYANRAYANAPURAM, VIJAYAWADA, KRISHNA DISTRICT.

4. AVANIGADDA KRISHNA KUMARI,, W/O.LATE BAPANAIAH, AGED 63 YEARS, R/O.D.NO.23-2-11, LAKSHMI NAGAR, WARD NO.44, AJITH SINGH NAGAR, VIJAYAWADA NORTH, KRISHNA DISTRICT

5. ODUGU SUNEETHA,, D/O.LATE BAPANAIAH, AGED 49 YEARS, R/O.D.NO.23-2-11, LAKSHMI NAGAR, WARD NO.44, AJITH SINGH NAGAR, VIJAYAWADA NORTH, KRISHNA DISTRICT.

6. AVANIGADDA VENKATA SYAM SUNDER,, S/O.LATE BAPANAIAH, AGED 46 YEARS, R/O.D.NO.23-2-11, LAKSHMI NAGAR, WARD

NO.44, AJITH SINGH NAGAR, VIJAYAWADA NORTH, KRISHNA DISTRICT. APPELLANTS NO.4 TO 6 ARE BROUGHT ON RECORD AS LRS OF APPELLANT NO.3 AS PER C.O.DT.20/08/2024 VIDE I.A.NO.1 OF 2023.

...APPELLANT(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY REVENUE (ENDOWMENTS) DEPARTMENT, SECRETARIAT, HYDERABAD.
2. THE REVENUE DIVISIONAL OFFICER CUM LAND ACQUISITION OFFICER, ELURU, WEST GODAVARI DISTRICT.
3. THE TAHSILDAR, (MANDAL REVENUE OFFICER) DWARAKA TIRUMALA MANDAL, DWARAKA TIRUMALA, WEST GODAVARI DISTRICT.
4. SRI VENKATESARA SWAMY VARI DEVASTHANAM, REP. BY ITS EXECUTIVE OFFICER DWARAKA TIRUMALA VILLAGE AND MANDAL, WEST GODAVARI DISTRICT.

...RESPONDENT(S):

IA NO: 1 OF 2010(WAMP 2031 OF 2010

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 grant stay of all further proceedings including dispossession of the petitioners' from the subject property admeasuring Ac. 22-70 cents in Sy. No. 324 of Dorasanipadu Village, Dwaraka Tirumala Mandal, West Godavari District, pursuant to the land acquisition notification dated 02-02-2005 and declaration dated 12-04-2007, pending disposal.

IA NO: 2 OF 2010(WAMP 2546 OF 2010

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 vacate the interim direction granted in W.A.M.P. No. 2031 of 2010 in W.A. No. 848 of 2010, dated 16-11-2010, in the interest of justice and fair play.

IA NO: 5 OF 2010(WAMP 150079 OF 2010

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

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 pleased to permit the Petitioners/Proposed Petitioners No.4 to 6 to come on record as Legal Representatives of the deceased Appellant No.3 and consequently order to impleadment the Proposed Petitioners 4 to 6 as Appellants No.4 to 6 in W.A.No. 848 of 2010 and as well as the interlocutory applications in WA.No.848 of 2010 and pass

IA NO: 1 OF 2025

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 Pleased to permit the Petitioners/Proposed Appellants No. 7 to 9 to come on record as Legal Representatives of the deceased Appellant No. 1 i.e.. Late Avvanigadda Seetha Rama Rao @ Seetha Ramaiah, and pass

Counsel for the Appellant(S):

1..

2. P S P SURESH KUMAR

Counsel for the Respondent(S):

1. GP FOR LAND ACQUISITION
2. PULIPATI RADHIKA
3. E SAMBASIVA PRATAP

WRIT APPEAL NO: 637/2010

Writ Appeal under clause 15 of the Letters Patent Appeal preferred against the Order in W.P.No.10145 of 2007 dated 08.06.2010.

Between:

1. OBLISETTY MANGATAYARU, W/O. LATE NARASIMHA RAO R/O. DWARAKA TIRUMALA, WEST GODAVARI DISTRICT.
2. MANDAVALLI SURYA PRASADA RAO, S/O. NARAYANA MURTHY R/O.

DWARAKA TIRUMALA, WEST GODAVARI DISTRICT.

3. MANDAVALLI SRI LAKSHMI,, W/O. LATE SURYA PRASADA RAO, AGED ABOUT 43 YEARS,R/O.DWARAKA TIRUMALA, WEST GODAVARI DISTRICT.

4. MANDAVALLI NAGA RAJU,, S/O. LATE SURYA PRASADA RAO, AGED ABOUT 20 YEARS,R/O.DWARAKA TIRUMALA, WEST GODAVARI DISTRICT.

5. MADDU RAJA RAJESWARI LEELA DURGA,, W/O.M.KRISHNA KIRITI,AGED ABOUT 24 YEARS, R/O .EWS 133,HOUSING BOARD COLONY, NEAR NTR STATUE ,SATRAMPADU ,ELURU, WEST GODAVARI DISTRICT. APPELLANT NO.3 TO 5 ARE BROUGHT ON RECORD AS LR OF APPELLANT NO.2 AS PER C.O.DT.30.09.2024 VIDE I.A.NO.1 OF 2013 IN W.A.NO.637 OF 2010.

...APPELLANT(S)

AND

1. THE GOVERNMENT OF ANDHRA PRADESH REP BY ITS, PRINCIPAL SECRETARY, REVENUE (ENDOWMENTS) DEPARTMENT, SECRETARIAT, HYDERABAD.

2. THE REVENUE DIVISIONAL OFFICERCUMLAND, ACQUISITION OFFICER, ELURU, WEST GODAVARI DISTRICT.

3. THE TAHSILDAR MANDAL REVENUE OFFICER, DWARAKA TIRUMALA MANDAL, DWARAKA TIRUMALA, WEST GODAVARI DISTRICT.

4. SRI VENKATESWARA SWAMY VARI DEVASTHANAM, DWARAKA TIRUMALA VILLAGE AND MANDAL, WEST GODAVARI DISTRICT. REP. BY ITS EXECUTIVE OFFICER.

5. S V SUDHAKARA RAO, S/O.S.V.R.G. NARASIMHA RAO CHAIRMAN AND FOUNDER'S FAMILY, SRI VENKATESWARA SWAMY DEVASTHANAM, DWARAKA TIRUMALA R/O.MYLAVARAM, WEST GODAVARI DISTRICT.

...RESPONDENT(S):

IA NO: 1 OF 2010(WAMP 1537 OF 2010

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 grant stay of all further proceedings including dispossession of the petitioners' from the subject property admeasuring Ac.0.10 1/2 cents in Sy.No.45/1 of Dwaraka Tirumala Village and Mandal, West Godavari District, pursuant to the land acquisition notification dated 23.02.2005 and declaration dated 12.04.2007, pending disposal of the appeal, failing which the petitioners will suffer serious loss and injustice.

IA NO: 2 OF 2010(WAMP 2078 OF 2010

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 vacate the interim direction granted in WA No. 637 of 2010, dated 30-8-2010 as extended by order dated 13-9-2010, in the interest of justice and fair play.

IA NO: 5 OF 2010(WAMP 149468 OF 2010

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

IA NO: 1 OF 2011(WAMP 139 OF 2011

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 vacate the interim orders dt. 30.08.2010 in WAMP No. 1537 of 2010 in WA No. 637 of 2010

IA NO: 2 OF 2011(WAMP 13129 OF 2011

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

IA NO: 1 OF 2013(WAMP 2460 OF 2013

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 Petitioners 3 to 5 herein to come on record as Legal representatives of the deceased 2nd Appellant and consequently order impleadment of the Petitioners 3 to 5 herein as Appellants 3 to 5 in W.A.No. 637 of 2010 as well as in W.A.M.P.No. 1537 of 2010

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. E SAMBASIVA PRATAP

WRIT APPEAL NO: 849/2010

Writ Appeal under clause 15 of the Letters Patent Appeal preferred against the order dated 08.06.2010 passed in WPNo.10299/2007

Between:

1. GRANDHI LAKSHMI HYMAVATHI, W/O GRANDHI VENKATA SAYTA LAKSHMI KANTHA RAO DOOR NO. 25-7-13, RAMA NAMA KSHETRAM, 3RD LANE, GUNTUR-522004.

...APPELLANT

AND

1. THE GOVERNMENT OF ANDHRA PRADESH REP BY ITS PRINCIPAL, SECRETARY, REVENUE (ENDOWMENTS) DEPARTMENT, SECRETARIAT, HYDERABAD.
2. THE REVENUE DIVISIONAL OFFICERCUMLAND ACQUISTIION, OFFICER, ELURU, WEST GODAVARI DISTRICT.
3. THE TAHSILDAR MANDAL REVENUE OFFICER, DWARAKA TIRUMALA MANDAL, DWARAKA TIRUMALA, WEST GODAVARI DISTRICT.
4. SRI VENKATESWARA SWAMY VARI DEVASTHANAM, DWARAKA TIRUMALA VILLAGE AND MANDAL, WEST GODAVARI DISTRICT, REP. BY ITS EXECUTIVE OFICER.

...RESPONDENT(S):

IA NO: 1 OF 2010(WAMP 2032 OF 2010

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 grant stay of all further proceedings including dispossession of the petitioners' from the subject property admeasuring Ac.2.00 cents in Sy. No. 314 of

Dorasanipadu Village, Dwaraka Tirumala Mandal, West Godavari District pursuant to the Land Acquisition Notification dated 02.02.2005 and declaration dated 12.04.2007, pending disposal

IA NO: 2 OF 2010(WAMP 2576 OF 2010

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 vacate the interim direction gratned in WAMP.No. 2032 of 2010 in WA.No. 849 of 2010, dt. 16.11.2010 in the interest of justice and fair play

IA NO: 5 OF 2010(WAMP 150057 OF 2010

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

Counsel for the Appellant:

1. P DURGA PRASAD

Counsel for the Respondent(S):

1. GP FOR LAND ACQUISITION
2. PULIPATI RADHIKA
3. E SAMBASIVA PRATAP

WRIT APPEAL NO: 919/2010

Writ Appeal under clause 15 of the Letters Patent Appeal prefferred against the order dt. 8.6.2010 in W.P. No. 10497 of 2007

Between:

1. PAMIDIPATI VENKATESWARA RAO, S/O.LATE BHADRACHALAM RESIDING AT BLOCK NO.II, II FLOOR, KASTURI APARTMENTS, NO.6 DR. RADHAKRISHNAN SALAI,

...APPELLANT

AND

1. THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL SECRETARY REVENUE (ENDOWMENTS)DEPARTMENT SECRETARIAT, HYDERABAD

2. THE REVENUE DIVISIONAL OFFICERCUMLAND ACQUISITION OFFICER, ELURU, W.G.DISTRICT.

3. THE TAHSILDARMANDAL REVENUE OFFICER, DWARAKA TIRUMALA MANDAL, DWARAKA TIRUMALA,W.G.DISTRICT

4. SRI VENKATESARA SWAMY VARI DEVASTHANAM DWARKA, TIRUMALA VILLAGE AND MANDAL, WEST GODAVARI DISTRICT REP BY ITS EXECUTIVE OFFICER

...RESPONDENT(S):

IA NO: 1 OF 2010(WAMP 2130 OF 2010

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 stay of all further proceedings inlcuding dispossession of the petitioners from the subject property admeasuring Ac. 20-70 cents in Sy. No. 313/2 of Sorasanipadu village, Dwaraka Tirumala Mandal, West Godavari District pursuant to the land acquistiion notification dt. 2.2.2005 and declaration dt. 12.4.2007 pending disposal of the appeal, failing which the petitioners will suffer serious loss and injustice and pass

IA NO: 2 OF 2010(WAMP 2575 OF 2010

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 vacate the interim direction granted in WAMP.No. 2130 of 2010 in WA.no. 919 of 2010, dt. 23.11.2010, in the interest of justice and fair play

IA NO: 5 OF 2010(WAMP 153334 OF 2010

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

Counsel for the Appellant:

1. S LAKSHMINARAYANA REDDY

Counsel for the Respondent(S):

1. GP FOR LAND ACQUISITION

2. PULIPATI RADHIKA

3. E SAMBASIVA PRATAP