



IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

**HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA, CHIEF JUSTICE
&
HON'BLE SMT. JUSTICE VENKATA JYOTHIRMAI PRATAPA**

W.A.No.397 of 2023

Ghantasala Rambabu, S/o Seetharama Raju,
Aged about 56 years, Cultivation, R/o 3rd Ward,
Sriparru, Eluru Mandal,
West Godavari District and others.

..Appellants

Versus

The State of Andhra Pradesh,
Represented by its Principal Secretary,
Revenue (Land Acquisition),
Secretariat Buildings, Velagapudi,
Amaravati, Guntur District – 522 101 and others.

...Respondents

ORAL JUDGMENT

Dt:04.05.2023

(per Prashant Kumar Mishra, CJ)

This intra Court appeal would call in question the order dated 07.09.2022 passed in W.P.No.15840 of 2012 by the learned single Judge, whereby the writ petition filed by the writ petitioners seeking a direction to the respondents to issue a notification under Section 48 (1) of the Land Acquisition Act, 1894 (for short "the Act") has been dismissed. The petitioners in the writ petition are the appellants before us.

2. Admittedly, notification under Section 4 (1) of the Act was issued on 01.07.2006 invoking urgency clause under Section 17 (4) of the Act dispensing with enquiry under Section 5-A of the Act. Thereafter, declaration under section 6 of the Act was issued on 14.07.2006. After completion of



the acquisition proceedings, award No.5 of 2007 dated 08.03.2007 was passed, amount of compensation was deposited on 02.01.2008 and possession of the land has been taken on 23.01.2008 after recording panchanama.

3. After completion of land acquisition proceedings, the writ petitioners moved a representation in June, 2011 under Section 48 (1) of the Act requesting the Government to withdraw the notification issued under Section 4 (1) of the Act.

4. The power and jurisdiction under Section 48 (1) of the Act can be exercised during pendency of the land acquisition proceedings before finalisation of the same and passing of an award. Once an award is passed and possession is taken over, the Government is not entitled to withdraw the land acquisition proceedings in view of the law laid down by the Hon'ble Supreme Court in "***National Thermal Power Corporation Limited Vs. Mahesh Dutta and others*** reported in ***(2009) 8 SCC 339*** and "***Visakhapatnam Urban Development Authority Vs. S.S.Naidu and others*** reported in ***(2016) 13 SCC 180'***

5. In view of the above, we are not inclined to entertain the writ appeal.

6. Accordingly, the writ appeal is dismissed. No costs. All pending miscellaneous applications shall stand closed.

PRASHANT KUMAR MISHRA, CJ

VENKATA JYOTHIRMAI PRATAPA,J

Ksp