

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 5057/2014

(Murlidhar Awadhoot Potdukhe vs. State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Mr. S.S. Sharma, Adv. for petitioner
Mr. T.R.. Kankale, AGP for respondent nos.1 to 4
Mer. N R Saboo, Adv. for Respondent no.5

CORAM : SMT.VASANTI A. NAIK &
A.M.BADAR, JJ.

DATED : 25th March, 2015.

Heard.

The petitioner has challenged the notification under Section 6 of the Land Acquisition Act, 1894 as also the decision on the objection of the petitioner, on the ground that the petitioner was not granted personal hearing, as required by the provisions of Section 5(A) of the Act of 1894.

It is stated on behalf of the petitioner that though the Special Land Acquisition Officer, by a notice issued to the petitioner, directed the petitioner to file objection to the acquisition proceedings on or before 24.6.2012, and when the petitioner had filed the objection on 24.6.2013, the Special Land Acquisition Officer ought to have heard the petitioner. It is stated that the objection was filed by the petitioner on the date stipulated in the notice issued by the Special Land

Acquisition Officer to the petitioner and hence it was obligatory for the Special Land Acquisition Officer to have heard the petitioner.

The statements made by the learned counsel for the petitioner are not disputed by the learned Assistant Government Pleader as the original record and proceedings are available with the learned Assistant Government Pleader.

Since the petitioner was asked by the Special Land Acquisition Officer to file the objection on or before 24.6.2012 and since the petitioner had admittedly filed the objection on that date, it was necessary for the Special Land Acquisition Officer to have heard the petitioner before deciding his objection.

Hence, the Writ Petition is partly allowed. The Section 6 notification issued by the State Government in respect of the land of the petitioner, is quashed and set aside. The Special Land Acquisition Officer is directed to hear the petitioner before deciding the objection of the petitioner as the earlier decision on the objection of the petitioner would not survive. The petitioner undertakes to appear before the Special Land Acquisition Officer on 15th April, 2015 ,for personal hearing.

Order accordingly. No order as to costs.

JUDGE

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