

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.38412 OF 2015

ORDER:

Heard.

This Writ Petition is filed questioning the Errata Notification No.C3/401/2015, dated 15.09.2015, under Section 11 as well as Declaration No.C3/405/2015, dated 27.10.2015, under Section 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act').

The contention of the learned counsel for the petitioners in brief is that after publication of Errata Notification, the petitioners are entitled to 60 days time to enable them to file objections in terms of Central Act 30 of 2013. However, the respondent authorities forced the petitioners to file their objections within three days and having no choice, they filed objections on 06.10.2015. The petitioners state that in response to the Memo, dated 01.10.2015, issued by the Special Deputy Collector and Land Acquisition Officer (Metro Rail Project), Hyderabad, the 3rd respondent, after submission of objections by the petitioners, no opportunity of personal hearing was granted to them and straight away published the declaration under Section 19 of the Act, which is clearly contrary to law and spirit of Sections 11 and 19 of the Act and the petitioners are effectively denied the adequate opportunity to submit their objections as well as opportunity of personal hearing.

Learned Standing Counsel for respondents 3 and 4, who had taken notice on earlier date of hearing, on instructions, fairly states that the petitioners were not given any notice of personal hearing during the enquiry conducted and hence, to that extent, the grievance of the petitioners is conceded to.

In view of the same, declaration under Section 19 of the Act, so far as the petitioners are concerned, cannot be sustained and accordingly the same is quashed. As a result, the matter would go back to the 3rd respondent for fresh consideration. Since the petitioners also claim that they have not been given

adequate opportunity to submit their objections, they are permitted to file their objections before the 3rd respondent on or before 10.12.2015, and thereafter the 3rd respondent shall fix a date of hearing by issuing notice to the petitioners, hear their objections and additional objections and pass appropriate orders in accordance with law. Subject to the orders that would be passed by the 3rd respondent, the 4th respondent is at liberty to issue fresh declaration under Section 19 of the Act.

Subject to the above, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

02.12.2015

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