

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.3509 of 2008

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the first respondent in issuing Notification in Rc.No.K.121/2007, dated 28.09.2007 under Section 4(1) of the Land Acquisition Act, 1894, for the purpose of acquiring the land belonging to the petitioner, in an extent of Acs.2.00 cents in survey No.617/3 situated in Laxmipuram Village of Kallur Mandal, Kurnool District, as arbitrary and illegal.

This Court, in W.P.M.P.No.4667 of 2008, passed order, dated 26.02.2008, that the petitioner shall not be dispossessed from the land in question.

Learned counsel for the petitioner submits that in pursuance of the impugned Notification, the second respondent has issued notice dated 23.10.2007 requesting the petitioner to file objections under Section 5-A of the Land Acquisition Act, on 08.11.2007, but the said notice was received by the petitioner on 09.11.2007. It clearly indicates that the notice for conducting enquiry and file objections was received by the petitioner on 09.11.2007, whereas the date of enquiry, as per the notice, is 08.11.2007. It is the case of the petitioner that on 13.11.2007, he filed objections, but without giving opportunity of personal hearing to the petitioner, the second respondent has issued proceedings, dated 24.12.2007, rejecting the objections of the petitioner.

In view of the above, the proceedings, dated 24.12.2007, passed by the second respondent rejecting the objections of the petitioner, and the consequential proceedings, passed by the respondents are set aside.

The second respondent is directed to fix a date of hearing for filing objections by the petitioner under Section 5-A of the Land Acquisition Act, and pass appropriate orders after giving opportunity of personal hearing to the petitioner, within a period of three months from the date of receipt of copy of this order.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

20.04.2015

pln