

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.32952 OF 2015

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ORDER:

Sri S.S. Varma, learned Standing Counsel for the 2nd respondent, has reported to this Court that acquisition is being made by the State Government for the purpose of widening of National Highway and National Highway Authorities are not involved in the acquisition. In view of the same, I have heard learned Senior Counsel for the petitioners and learned Advocate General.

The petitioners question the notification, dated 07.08.2015, of the 1st respondent seeking to acquire their land for the purpose of widening of the National Highway passing through Vijayawada. In pursuance of the said notification, the petitioners filed their objections on 08.09.2015 and 14.09.2015. However, under the impugned endorsement of the competent authority, namely, the Sub Collector-cum-Land Acquisition Officer, Vijayawada Division, Krishna District, the 3rd respondent, the objections of the petitioners were rejected on 20.09.2015 and consequently 3G notification, dated 01.10.2015, was also issued. The petitioners question the initial notification, dated 07.08.2015, the endorsement, dated 20.09.2015, and the consequential 3G notification, referred to above, primarily on the ground that none of the objections of the petitioners have been considered, as is evident from the said endorsement.

Learned Advocate General opposed the Writ Petition contending that within the prescribed time of 21 days, no such objections, dated 08.09.2015, were filed by the petitioners. He also submits that subsequently, after expiry of 21 days period, petitioners filed objections on 14.09.2015 and the impugned endorsement specifically mentions that the objections received from the petitioners were beyond the prescribed time and hence the same were rejected.

I have carefully considered the rival contentions of both sides. However, I find that the impugned endorsement does refer to the objections, but there is hardly any reference to any of the contents of the said objections. The entire proceedings refer to the benefits which are proposed to be conferred on account of the acquisition and there is no consideration of the objections filed by the petitioners. However, towards the end, it is stated that the objections of the petitioners are overruled as there were no merits. The said order, in my view, clearly shows and demonstrates complete non-consideration of the objections of the petitioners, as consideration thereof is not apparent even by close reading of the impugned endorsement.

In view of that, the exercise conducted by the 3rd respondent is clearly contrary to the provisions of the National Highways Act and cannot be sustained. Consequently, the impugned endorsement as well as the corresponding 3G notification, referred to above, shall stand set aside and the matter is remitted to the 3rd respondent for fresh consideration. In order to grant further opportunity to the petitioners, they are granted time to file further objections, if any, on or before 24.10.2015 and thereafter the 3rd respondent shall fix a date for hearing the parties and pass appropriate orders on the objections in accordance with law.

The Writ Petition is accordingly allowed. There shall be no order as to costs.

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

VILAS V.AFZULPURKAR, J

13.10.2015

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