

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.25325 of 2008

ORDER

In the present writ petition, the petitioners challenged the notification issued on 5.5.2008 under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') and declaration made on 8.8.2008 for acquiring the land to an extent of 14,799 square yards for the purpose of widening the road from Kadapa Government Hospital to NTR Circle (via Christain Lane) to a width of 50 feet. It is their case that pursuant to the notice issued under Section 5-A of the Act, they submitted their objections, but the same were rejected *vide* order dated 8.8.2008 passed by the 1st respondent-District Collector, Kadapa.

A perusal of the impugned order dated 8.8.2008 shows that a tabular statement was prepared by the 1st respondent, indicating 'nature of objection', 'remarks of EE R&B, Kadapa' and 'remarks of the RDO, Kadapa'. Based on the remarks mentioned therein, the 1st respondent rejected the objections of the petitioners without giving any reasons of his own.

While admitting the writ petition, this Court granted *status quo* on 19.11.2008 in WPMP No.33085 of 2008, as a result of which, no award was passed. In the meanwhile, Act 30 of 2013 came into force with effect from 1.1.2014.

Counter-affidavit is filed on behalf of the respondents wherein they denied the allegation that during the course of conducting award enquiry, the Land acquisition Officer is not present.

This Court is not satisfied with the manner of disposal of objections by the 1st respondent, without applying his mind.

In view of the same, the impugned order dated 8.8.2008 passed by the 1st respondent-District Collector, Kadapa, rejecting the objections filed by the petitioners, is set aside. In consequence thereof, declaration made on 8.8.2008 under Section 6 of the Act also should go. In view of coming into force of the new Act 30 of 2013, it is left open to the authorities to issue fresh notification under the provisions of the new Act and take appropriate proceedings, in accordance with law.

Accordingly, Writ Petition is allowed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

16th November, 2016
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