THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITIONS No. 18251 & 16744 OF 2008

COMMON ORDER:

When both these Writ Petitions are taken up for hearing, learned counsel for the petitioners as well as learned Government Pleader for Land Acquisition submit that in similar circumstances, this Court allowed Writ Petition No. 13391 of 2007 on 26.06.2007 and quashed the declaration made under Section 6 of the Land Acquisition Act, 1894 (for short, 'the Act') with a further direction to conduct inquiry under Section 5-A of the Act and communicate the decision to the petitioners. The operative portion of the Order dated 26.06.2007 reads as under:

> " In the aforesaid circumstances, the decision in the impugned notification to invoke the urgency clause and dispensing with the enquiry under Section 5-A of the Act is declared irrational and unsustainable. The respondents are directed to issue notice to the petitioners for submission of objections if any to the proposal to acquire the lands. On the petitioners' submitting their objections within the time stipulated in the notice, the same shall be considered and an appropriate decision taken duly communicating the decision to the petitioners simultaneously with the recommendations made after the enquiry under Section 5-A of the Act by the acquiring authority. The petitioners shall not be dispossessed pending communication of the decision to the petitioners consequent on the enquiry under Section 5-A of the Act. The draft declaration issued under Section 6 of the Act dated 26.06.2006 is quashed."

There being no dispute, both these Writ Petitions are also allowed in terms of the above-said Order dated 26.06.2007 in Writ Petition No. 13391 of 2007, setting aside the declarations issued

under Section 6-A of the Act with a further direction to the respondents to conduct the enquiry under Section 5-A of the Act and communicate the decision taken to the petitioners. No costs.

Consequently, the miscellaneous Applications, if any shall stand disposed of.

CHALLA KODANDA RAM, J

07th June 2017

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