

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION Nos.14516, 14518, 14525
and 14526 OF 2017

COMMON ORDER:

Since the Writ Petitioners in all these Writ Petitions share the common grievance, this Court deems it appropriate to dispose of these writ petitions by way of this common order.

2. Heard Sri P.Sudhakara Reddy, learned counsel for the petitioners, learned Government Pleader for Revenue (LA) for respondents 1, 4 to 6, learned Government Pleader for Irrigation for respondent No.2 and Sri D.Ramesh, learned Special Government Pleader for respondent No.3.

3. Heard and perused the material available on record.

4. A preliminary notification, issued by the 4th respondent, vide Rc.No.131/2016-G1, dated 11.04.2017, under Section 11 (1) of Act 30 of 2013, proposing to acquire the lands of the petitioners herein, is under challenge in these writ petitions.

5. According to the learned counsel for the petitioners, the respondent authorities have acted in-contravention of the provisions of Sections 8 and 10 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Rules 4 (2) (c) and 8 (3) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment) Rules, 2014, notified by G.S.R.574 (E), dated 08.08.2014.

6. By way of notification, under challenge, while proposing to acquire the subject lands, the authorities have invited objections also from the persons interested within 60 days from the date of publication of the said notification as per Section 15 (1) of Act 30 of 2013. It is also clear from the impugned notification that the date of consideration of the objections is also fixed as 27.06.2017.

7. According to the learned Special Government Pleader, Section 15 of Act 30 of 2013 takes care of the present situation and it is always open for the petitioners herein to raise their objections for the proposed acquisition. In this context, it may be appropriate to refer to the provisions of Section 15 of Act 30 of 2013, which read as under:

“15. **Hearing of objections** : (1) Any person interested in any land which has been notified under sub-section (1) of section 11, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification, object to:

- (a) the area and suitability of land proposed to be acquired;
- (b) justification offered for public purpose;
- (c) the findings of the Social Impact Assessment report.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard in person or by any person authorized by him in this behalf or by an Advocate and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 11, or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the

record of the proceedings held by him along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.

(3) The decision of the appropriate Government on the objections made under sub-section (2) shall be final.”

8. It is very much evident from a reading of the above provision of law that any person interested in the land under acquisition is entitled to submit his/her objections within a period of 60 days from the date of publication of notification under Section 11 (1) of Act 30 of 2013 and can object as to the area and suitability of the land proposed to be acquired, as to the justification offered for public purpose and as to the findings of the Social Impact Assessment report. Sub-Section (2) of Section 15 of Act 30 of 2013, mandates filing of such objections in writing to the Collector, who shall afford an opportunity of being heard to the objector and also giving opportunity to the objector to appear through an Advocate. The said provision also mandates preparation of report and sending of the same to the appropriate Government for approval. Since the above provision of law affords complete opportunity to the petitioners herein to file their objections as pointed out in the affidavits filed in support of the writ petitions, this Court deems it appropriate to dispose of all these writ petitions by keeping it open for the petitioners herein to submit their objections under Section 15 of Act 30 of 2013, within the time stipulated in the preliminary Notification, dated 11.04.2017, raising all the grounds as sought to be agitated in the present writ petitions. If any such objections are filed within the time stipulated under law, the respondents shall consider the same and pass

appropriate orders after giving notice and opportunity of hearing to the petitioners herein. It is also made clear that till the objections are considered and appropriate orders are passed thereon, *status quo* with regard to the possession of the petitioners shall be maintained.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

APRIL 24, 2017

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THE HON'BLE SRI JUSTICE A.V. SESA SAI



**WRIT PETITION Nos.14516, 14518, 14525
and 14526 OF 2017**

Date: 24.04.2017

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