

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.19895 OF 2010

ORDER:

The petitioner challenges the order of 2nd respondent overruling the objections raised by petitioner in the enquiry under Section 5A of the Land Acquisition Act, 1894.

Mr.A.Sinath, learned counsel appearing for petitioner though raised a legal ground challenging the proceeding of Collector dated 25.01.2010 could not convince the Court on fact that the objection applicable to the fact situation of the case in fact, has been raised and it was not considered by respondents as held by this Court and the Hon'ble Supreme Court. This Court can take up examination of non-consideration of objections if only proper factual foundation is laid in this behalf and the objections of petitioner are considered along with similarly situated persons. Since the acquisition is for the purpose of widening the road, I do not see any reason or any ground is made out for interference against the proceedings impugned in the writ petition.

In the counter affidavit filed by respondents, it is stated that the possession of subject premises is not yet taken and would be taken only after an award is passed.

Mr.Sinath requests that as the award is to be passed after new Act has come into force and the benefits to which the petitioner is entitled to under the new Act, the petitioner may be

permitted to represent to the respondents. Liberty as prayed for is granted. The writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:03.08.2017

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