

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos. 7016, 15183, 18708, 20978, 21143, 21160, 21668, 24688, 25374, 25408, 25964, 28179, 28486 AND 28515 OF 2017

COMMON ORDER:

All these writ petitions are being disposed of by this common order as they relate to the challenge to acquisition of lands for the purpose of Amaravathi Capital City Development Project.

The District Collector, Guntur issued various Notifications under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013, for brevity) proposing to acquire lands in different villages for the purpose of Development of Capital City at Amaravathi. The petitioners filed their objections under Section 15(2) of Act 30 of 2013, but they were not properly considered, but declarations were published under Section 19 of Act 30 of 2013. Challenging the Notifications under Section 11(1) and declarations under Section 19 of the Act 13 of 2013, the following writ petitions were filed.

Sl. No.	Writ Petition No.	11(1) Notification	19(1) Declaration
1	7016 of 2017	21.07.2016	06.02.2017
2	15183 of 2017	21.07.2016	06.02.2017
3	18708 of 2017	05.01.2017	24.05.2017
4	20978 of 2017	05.01.2017	---
5	21143 of 2017	31.08.2016	22.05.2017
6	21160 of 2017	31.12.2016	28.05.2017
7	21668 of 2017	10.01.2017 17.01.2017	---
8	24688 of 2017	31.12.2016	29.06.2017
9	25374 of 2017	10.01.2017	29.06.2017
10	25408 of 2017	05.01.2017	29.06.2017
11	25964 OF 2017	10.01.2017	29.06.2017
12	28179 of 2017	10.01.2017 17.01.2017	20.07.2017
13	28486 of 2017	10.01.2017	20.07.2017
14	28515 of 2017	05.01.2017	25.07.2017

This Court, by interim orders in the writ petitions directed deferment of the award enquiry, as a result of which the award enquiry did not take place. At that stage, these writ petitions were taken up for consideration.

Though counter affidavits and reply affidavits were filed in W.P.Nos.15183, 18708, 7016 and 20978 of 2017, the averments in the affidavits filed in support of the writ petitions, averments in the counter affidavits and the reply affidavits are not being dealt with in view of the consensus arrived at by the counsel for petitioners and learned Advocate General appearing for respondents.

The invalidity of the Declarations is not disputed by the learned Advocate General in view of non-consideration of the objections raised by the petitioners. In view of this, the learned Advocate General did not dispute the rights of the petitioners to raise objections as provided under Section 15(2) of Act 30 of 2013 to the Notifications already issued under Section 11(1) of Act 30 of 2013. In view of the *prima facie* satisfaction of non-consideration of the objections raised by the petitioners filed under Section 15 of Act 30 of 2013 by the competent authority, the publication of declarations becomes invalid. Though the learned counsel for the petitioners raised several contentions, since an opportunity is now provided under Section 15(2) of Act 30 of 2013, various contentions raised by the learned counsel for the petitioners is not being dealt with in view of the consensus arrived at by the parties for disposal of these writ petitions in the following manner.

The petitioners are given liberty to file comprehensive written objections either individually or for the entire village in accordance with Section 15(2) of Act 30 of 2013, within two weeks from the date

of receipt of a copy of this order and the Collector shall consider the said objections and deal with said objections thoroughly and pass a reasoned order considering the objections raised by the petitioners within a period of four weeks thereafter. It is needless to observe that at the time of considering the objections, the objectors shall be heard either in person or through their counsel.

The writ petitions are accordingly partly allowed setting aside the declarations under Section 19(1) of Act 30 of 2013 and giving liberty to the petitioners to raise objections under Section 15(2) of Act 30 of 2013. Consequently, miscellaneous petitions, if any pending, shall stand closed. There shall be no order as to costs.

30.08.2017
pln

A.RAMALINGESWARA RAO, J

