

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.13212 OF 2009

ORDER:

Heard Mr. V.Raghu, counsel for petitioner and the Assistant Government Pleader for respondents.

The petitioner challenges the proceedings in Rc.G4/5143 of 2008, dated 22.06.2009 of 2nd respondent rejecting the objections of petitioner raised against Section 4(1) notification published in Gazette No.100/2008 dated 28.11.2008. The petitioner received notice dated 30.11.2008 under Section 5 (A) of the Land Acquisition Act, 1894 (for short 'the Act') and on 02.01.2009, the petitioner raised several objections against acquisition of petitioner's land. Now the complaint of petitioner is that no enquiry is conducted by the 2nd respondent. But the objections are rejected basing on the report dated 11.06.2009 submitted by Revenue Divisional Officer, Bandar. In support of his case, learned counsel for the petitioner relied on judgment reported in ***Hindustan Petroleum Corporation Limited vs. Darius Shapur Chenai and others***¹.

I have taken note of contentions of petitioner and perused the record. The scope, object and purpose of enquiry under Section 5 (A) of the Act is no more *res integra*. The proceedings dated 22.06.2009 impugned in the writ petition cannot be sustained in judicial review. By reading the

¹ (2005) 7 SCC 627

proceedings dated 22.06.2009 and taking note of the date on which report of the Revenue Divisional Officer is received by 2nd respondent, it can be safely concluded that orders rejecting the objections of petitioner are passed without enquiry and the orders suffer from non-application of mind or independent consideration by 2nd respondent.

For the above reasons, the proceedings impugned in the writ petition are set aside.

Writ petition ordered accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Date: 21.08.2017
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S.V.BHATT, J