

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No.37440 of 2017

ORDER:

The case of the petitioners is that the respondent Nos.2 to 4 have issued preliminary notification dated 13.05.2017, under Section 11 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act, 2013). Thereupon, the petitioners herein filed objections on 06.07.2017. The grievance of the petitioners is that without considering their objections, the respondent Nos.2 to 4 issued declaration under Section 19 (1) of the Act, 2013. Aggrieved by the same, the present Writ Petition is filed.

Learned counsel for the petitioners submitted that though the objections were filed, without issuing any further notice and without giving any opportunity of hearing, the respondents 2 to 4 issued declaration under Section 19 (1) of the Act, 2013.

Learned Assistant Government Pleader for Land Acquisition submits that infact notice was issued, and as the petitioners are non-residents of that village, under Section 15 (2) of the Act, notices were affixed in gramapanchayat, after holding Gramasabha, impugned declaration under Section 19 (1) of the Act was issued.

It is to be seen that though the petitioners were non residents of the village nothing prevented the respondents—competent authority in issuing notices to the petitioners instead of affixing notices in Gramapanchayat.

Section 15 (2) of the Act, 2013 provides for opportunity of hearing but even without specific notice to the petitioners, order under Section 5 (2) of the Act has been passed.

In view of the same, the order dated 25.07.2017 passed under Section 15 (2) of the Act is set-aside along with declaration under Section 19 (1) of the Act, 2013 and the competent authority is directed to issue notice to the petitioners and provide an opportunity of hearing as envisaged under Section 15 (2) of the Act, 2013 and pass appropriate orders in accordance with law.

With the above direction, the Writ Petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

A.RAJASHEKER REDDY,J

Dt.28-11-2017
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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.37440 OF 2017



Date: 28.11.2017

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