

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 4702 OF 2018**

**ORDER:**

Challenging the inaction on the part of the 4<sup>th</sup> respondent Special Deputy Collector-cum-Land Acquisition Officer, Polavaram Irrigation Project, Right Main Canal, on the petitioners' representation/objections dated 30.10.2017 for correcting the preliminary notification dated 27.09.2017 issued under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the 2013 Act'), the present Writ Petition is filed.

Petitioners claim to be the absolute owners and possessors of agricultural land admeasuring Acs.14.29 cents covered by Survey No. 92/2B situated at P. Narayanapuram Village, Jeelugumilli Mandal, West Godavari District. While so, the 3<sup>rd</sup> respondent issued the preliminary notification dated 27.09.2017 in Form VI-A under Section 11(1) of the 2013 Act, notifying the lands covered by different survey numbers situated at P. Narayanapuram Village, for which, the petitioners have submitted their objections on 30.10.2017 stating that the respondent authorities have omitted their names in the notification. The petitioners apprehend that their rights would not be taken into consideration.

Heard learned counsel for the petitioners.

Learned Government Pleader for Land Acquisition (Andhra Pradesh) has placed on record the letter dated 15.02.2018 addressed by the 3<sup>rd</sup> respondent Special Deputy Collector, based on which, he submits that the objections filed by the petitioners are premature, as, at the stage of the proceedings under Section 11

of the Act, what all is to be considered is whether the land is to be exempted from the notification, for valid reasons to be recorded, in writing, and if so, the Collector may pass orders in terms of the proviso to Section 11(4) of the Act. He would also further assert that the objections, if any, to be filed with respect to the claims is at the stage of notice to be issued under Section 21 of the Act, but not at the stage of Section 11.

Considered the respective submissions. Earlier this Court had an occasion to deal with this aspect in Writ Petition No.466 of 2018, wherein, after analyzing all the provisions, it has been held that with respect to the rival claims, the stage at which the objections can be filed in response to the notification / notice is under Section 21 of the Act, as there is no scope of filing any objections under Section 11 of the Act except as provided therein i.e., where there are any special reasons requiring a particular piece of land to be exempted from the proceedings. It may also be noted that with respect to the suitability or otherwise of the land or with respect to the measurements etc., it is only at the stage of enquiry under Section 15 of the Act, a party will have a right to submit their objections. However, the petitioners, non-conversant with the procedure under the Act, apprehend that their claim will not be considered.

Hence, the 3<sup>rd</sup> respondent Land Acquisition Officer may keep in mind the objections raised by the petitioners already with respect to their entitlement to receive the compensation amount and also the objections that may be raised after issuance of notice under Section 21 of the Act and take necessary steps to protect their interests, if they otherwise have claim over the land.

Subject to the above, the Writ Petition is disposed of. No costs.

Consequently, the miscellaneous Applications if any shall also stand closed.

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**CHALLA KODANDA RAM, J**

22<sup>nd</sup> February 2018

Registry to dispatch  
a copy of this order forthwith  
to the 3<sup>rd</sup> respondent.  
rns/ksld



