

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT APPEAL No.286 OF 2018

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letter Patent, is preferred against the order passed by the learned Single Judge in I.A.No.1 of 2018 in W.P.No.1524 of 2018 dated 31.01.2018. The appellants herein filed the Writ Petition seeking a *Mandamus* to declare the action of the District Collector in issuing preliminary notification dated 11.4.2017, in issuing the declaration under Section 19(1) dated 2.12.2017, and in rejecting the petitioner's objections under Section 15 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, "the 2013 Act") by order dated 22.11.2017, as arbitrary and illegal. A consequential direction is sought to set aside both the notification issued under Section 11(1), and the declaration under Section 19(1) of the 2013 Act, as also the order rejecting the objections filed by the petitioner.

Sri K.S. Murthy, learned counsel for the appellant-writ petitioner, would submit that the preliminarily notification was issued by the State Government without issuing a notification under Sub Sections (2) and (4) of Section 10 of the 2013 Act; and be it irrigated multi crop lands or other agricultural lands, the State Government is obligated to issue notifications under Sections 10(2) and 10(4) of the 2013 Act.

On the other hand, Sri D. Ramesh, learned Standing Counsel for Andhra Pradesh Capital Regional Development Authority (CRDA) would submit that the very same issue came up for consideration before a Division Bench of this Court earlier, and a similar contention regarding the scope of Section 10 of the 2013 Act was considered and rejected; and the Special Leave Petition preferred thereagainst was also dismissed by the Supreme Court.

It is wholly unnecessary for us to examine these contentions, in proceedings under Clause 15 of the Letter Patent, as none of these contentions have been examined by the learned Single Judge in the order under appeal. Suffice it, in such circumstances, to set aside the order under appeal and restore I.A.No.1 of 2018 to file.

Both the learned Government Pleader for Land Acquisition, and Sri D. Ramesh, learned Standing Counsel for C.R.D.A, request three weeks time to file their respective counter affidavits. It is open to Sri K.S. Murthy, learned counsel for the appellant-writ petitioner, to request the learned Single Judge to take up the Writ Petition for admission, any day, after within three weeks.

The Writ Appeal, is accordingly, disposed of. No order as to costs. Miscellaneous Petitions, if any pending in this writ appeal shall also stand closed.

RAMESH RANGANATHAN, ACJ

KONGARA VIJAYA LAKSHMI, J

26th February, 2018
Gk

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

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WRIT APPEAL No.286 OF 2018

26.02.2018

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