

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.10658 of 2018

ORDER:

A notice issued in Form VII-B by the Special Deputy Collector Land Acquisition, Hyderabad Metro Rail Limited, Hyderabad under Sections 21 & 22 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'Act 30 of 2013') vide proceedings No.C2/348/2017 dated 17.03.2018 is under challenge in the present writ petition.

2. The grievance of the petitioner herein as advocated by the learned counsel for the petitioner is that the respondent authorities have unilaterally inserted the letter 'G' in the column of owners instead of showing the petitioner herein as the owner as shown in the notification issued on 21.08.2017.

3. On the other hand, it is submitted by the learned Standing Counsel for the Hyderabad Metro Rail Limited Sri Radheev Reddy that the notice impugned in the present writ petition is a notice under Section 21 of the Act 30 of 2013 and if the petitioner herein has any objection as to the interest in the subject property, he can appear before the Special Deputy Collector Land Acquisition, Hyderabad Metro Rail Limited, Hyderabad, for consideration under the above said provision of law.

4. Section 21 of the Act 30 of 2013 reads as under:

“21. Notice to persons interested.\_(1) The Collector shall publish the public notice on his website and cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take Possession of the land.

and that claims to compensations and rehabilitation and resettlement for all interests in such land may be made to him.

(2) The public notice referred to in sub-section (1) shall state the particulars of the land so needed, and require all persons interested in the land to appear personally or by agent or advocate before the Collector at a time and place mentioned in the public notice not being less than thirty days and not more than six months after the date of publication of the notice and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests. their claims to rehabilitation and resettlement along with their objections, if any, to the measurements made under section 20.

(3) The Collector may in any case require such statement referred to in sub-section (2) to be made in writing and signed by the party or his agent.

(4) The Collector shall also serve notice to the same effect on the occupier, if any' of such land and on all such persons known or believed to be interested therein, be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf within the revenue district in which the land is situated.

(5) In case any person so interested resides elsewhere, and has no such agent, the Collector shall ensure that the notice shall be sent to him by post in letter addressed to him at his last known residence, address of place or business and also publish the same in at least two national daily newspapers and also on his website.”

5. The authority under the above said provision of law is a quasi judicial authority having regard to the provisions of the enactment and he is required to consider the objections and the interest of the respective parties appearing before the authority.

6. In view of the above said mechanism created under the statute, it is open for the petitioner herein to submit objections to the Special Deputy Collector/third respondent herein for consideration of the same under the

provisions of Sections 21 and 22 and if any such objections are raised, the same be considered and appropriate action be taken strictly in accordance with law, after giving personal hearing to the petitioner herein. It is open for the petitioner herein to place relevant material before the third respondent.

7. With the above observations, writ petition stands disposed of. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

Date:02.04.2018  
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A.V.SESHA SAI, J



THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.10658 of 2018

Dated 02.04.2018

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