

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.16131 of 2018

O R D E R:

Heard the counsel for petitioners and the Government Pleader for Irrigation appearing for 2nd respondent.

2. Petitioners in this Writ Petition assail the Final Declaration dt.20.03.2018 issued under Section 19 (1) of Act 30 of 2013 in respect of their lands located in Vellala village, Rajupalem Mandal, YSR Kadapa District, pursuant to a preliminary Notification Ref.No.A/120/2017 dt.27.10.2017, and proceedings dt.16.03.2018 issued by the 6th respondent rejecting the petitioners' objections to the said notifications.

3. It is the principal contention of the counsel for petitioners that when they filed objections to the Notifications under Section 11 of the Act, including an objection that Gramsabha under Section 11(2) of the said Act was not conducted, there was a notice issued in Form 6(B) to the land owners asking them to appear before the 7th respondent on 22.02.2018; that they went to the office, but the said Officer, who was supposed to hear their objections, was not available. They contend that neither the Revenue Divisional Officer nor the Special Deputy Collector (Land Acquisition) was available to give a hearing, that petitioners were asked to sign in a register and leave, but subsequently, proceedings dt.16.03.2018 were issued by the 7th respondent rejecting the

petitioners' objections. They thus contended that the enquiry under Section 15(2) of the Act, which was mandatory, has not been conducted and therefore the Declaration issued under Section 19 of the Act on 20.03.2018, be set aside.

4. In the counter affidavit filed by the 7th respondent at para 29 it is stated that on 22.02.2018, the 7th respondent was not available in his office. Though the Government Pleader for Land Acquisition states that it is a typographical mistake, and in para 7 it is asserted that the 7th respondent did hear the objections, I am not in a position to accept this contention of the Government Pleader, having regard to the statement made in para 29 of the counter affidavit that the 7th respondent was not available on 22.02.2018.

5. It is not in dispute that under Section 15(2) of the Act a personal hearing by the Collector of the objections is mandatory. When such a hearing is not provided, the valuable right granted to the petitioner by the said provision is violated.

6. In this view of the matter, the Writ Petition is allowed; the proceedings dt.16.03.2018 of the 7th respondent rejecting the petitioners' objections as well as the consequential Declaration issued under Section 19 of the Act on 20.03.2018 by the 1st respondent, are set aside. The 7th respondent is directed to conduct a fresh enquiry, provide a personal

hearing to the petitioners after furnishing the information sought by them and then pass a reasoned order and communicate the same to the petitioners. This exercise shall be done within a period of four (04) weeks from the date of receipt of a copy of this order. No order as to costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

25th June, 2018.
gra

