

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

W.P.No.19572 of 2018

ORDER:

Heard the learned counsel for petitioners and the learned Additional Advocate General appearing for the respondents.

2. Petitioners contend that objections filed by them on 16-08-2017, 03-09-2017, 31-01-2018 and 01-02-2018 under Section 15 (2) of the Act, 30 of 2013 have not been considered by the respondents and declaration under Section 19 (1) of the Act has been issued by 1st respondent. It is also their specific contention that they had sought for details about the project for construction of Mallannasagar reservoir in Telugu and the same had not been furnished to the petitioners.

3. Learned Additional Advocate General, on instructions, states that the information sought was furnished to one Md. Hayath Uddin who was also one of the objectors and that he represented all the petitioners, which is refuted by the learned counsel for the petitioners.

4. However, learned Additional Advocate General also states that after perusing the record, it appears that the objections filed by petitioners have not been properly considered by 6th respondent and that this Court may fix a schedule for furnishing of material sought by the petitioners and consideration of the same on a specific

date by 6th respondent so that the execution of the project is not stayed indefinitely. He also placed reliance on the order dt.11-10-2017 in W.P.No.31046 of 2017. He however contended that the order be confined only to the petitioners who have approached this Court.

5. Learned counsel for the petitioners contended that there is non-consideration of the other objections also and placed reliance on the order dt.05-01-2018 in W.P.No.43877 of 2017 and stated that therefore the entire declaration under Section 19 be set aside and the relief be not confined only to the petitioners in the Writ Petition.

6. Since it is not disputed that as far as the petitioners are concerned, the objections made by them in the above representations, have not been properly considered, I am of the opinion that the declaration under Section 19 issued by the respondents on 16-05-2018 deserve to be set aside only as regards the petitioners.

7. Accordingly, the Writ Petition is allowed to the extent that the declaration dt.16-05-2018 issued under Section 19 of the Act 30 of 2013 by 1st respondent is set aside as regards the petitioners and subsequent proceedings as regards petitioners are also set aside. The 6th respondent is directed to furnish the material sought by the petitioners regarding the project etc. in Telugu on or before 25-06-2018; petitioners are directed to submit their fresh objections, if any, on the basis of the material furnished by 6th respondent on or before 09-07-2018; the 6th respondent shall conduct personal hearing to the

petitioners or their counsel on 16-07-2018 at 10.30 a.m. at his office;
and then communicate his decision on the objections to them within
four weeks thereafter. No costs.

8. As a sequel, the miscellaneous petitions, if any pending,
shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 20-06-2018
kvr

