

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

WRIT PETITION No.23958 of 2018

O R D E R:

Petitioner had filed this Writ Petition questioning the Supplementary Award and Notice of Award issued by the 4th respondent vide proceedings dt.05.07.2018 and the consequential Notice dt.05.07.2018 issued under Section 38(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act').

2. Petitioner is the owner of plot No.1 in Sy.No.83/1 of Raidurgh Panmaktha, Serilingampalli village, Ranga Reddy District.

3. On 26.09.2017 Notification under Section 11 of the Act and on 20.02.2018 Declaration under Section 19(1) of the Act, were issued by the 5th respondent. Thereafter, an Award was passed on 03.04.2018.

4. Petitioner filed W.P.No.12630 of 2018 contending that the order dt.16.02.2018 passed by the 5th respondent rejecting objections of the petitioner under Section 15(2) of the Act is not sustainable and sought to not only set aside the said order rejecting petitioner's objection, but also the consequential Award dt.03.04.2018, Notice of Award under

Section 37(2) and Notice under Section 38(1) issued on 04.04.2018 as regards petitioner's property.

5. The said Writ Petition was allowed on 02.05.2018 and the Award dt.03.04.2018 as regards the petitioner was set aside.

6. Later, on 11.06.2018, 5th respondent again rejected the objections of the petitioner under Section 15(2) of the Act.

7. Thereafter, a public notice was issued on 14.06.2018 under Section 21(4) by the 4th respondent asking the petitioner to file claims of interest in the property by 21.06.2018.

8. Petitioner contends that under Section 21(2) there must be a minimum period of 30 days after the issuance of public notice for filing claims to compensation and the 4th respondent cannot fix a short time of one week and compel the petitioner to file objections by 21.06.2018.

9. This legal position is not disputed by the Government Pleader for Land Acquisition. It is also not disputed that petitioner on 20.06.2018 requested for grant of time to file objections but the same was rejected on 29.06.2018 and an Award was passed on 05.07.2018 and notice was issued on 05.07.2018 under Section 38(1) of the Act to the petitioner to deliver possession of the subject property.

10. In view of the clear language of sub-Section (2) of Section 21 of the Act, the order dt.29.06.2018 rejecting the request of the petitioner for extension of time to file objections by three weeks cannot be sustained, since minimum 30 days is required to be given for filing claims after issuing public notice under Section 21 of the Act to the interested parties.

11. Therefore, the Writ Petition is allowed; Supplementary Award and Notice of Award issued by the 4th respondent on 05.07.2018 and consequential notice dt.05.07.2018 under Section 38(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 are set aside; petitioner is granted four (04) weeks time from today to file objections before the 4th respondent; and the 4th respondent shall then consider the same and pass a fresh Award in regard to the property of the petitioner. No order as to costs.

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

M.S.RAMACHANDRA RAO, J

19th September, 2018.
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