

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos. 3967, 3969 & 3693 of 2019

COMMON ORDER:

This is a case where declaration issued under Section 19 of the Land Acquisition Act (for short, 'the Act') is challenged, on the ground that pursuant to the notice issued under Section 15 of the Act, the objections filed with respect of the acquisition under Section 15 were not considered and no opportunity was given to the petitioners.

The petitioners also assert that there is alternative Government land available, which can be used for the purpose of construction of double bed room houses, which are meant to be distributed. It is stated that if an opportunity was given, the petitioners would have brought all these aspects to the notice of the land acquisition officer, which are required to be considered in terms of Section 15(1) of the Act, as Section 15 (1) of the Act envisages area and suitability of the land proposed to be acquired.

Counter affidavit is filed wherein it is stated that a total extent of 85.37 acres was sought to be acquired, declaration was issued and land was acquired with the consent of the land holders. The requirement of considering objections had become only a mere formality. However, it is conceded that so far as petitioners are concerned, no consent was given by them and the declaration was issued under Section 19(1) of the Act, without

giving an opportunity of hearing and consideration of objections as required under Section 15(2) of the Act.

Having regard to the admission of the respondents in the counter affidavit that the crucial aspect of consideration of objections as mandated in the Act, has not been adhered to, the declaration issued under Section 19 of the Act, vide notification dated 17.02.2019, is set aside, so far as the petitioners are concerned. However, it would be open for the respondents to take appropriate action, if necessary.

Accordingly, the Writ Petitions are allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these Writ Petitions shall stand disposed of.

CHALLA KODANDA RAM, J

Dt.28.02.2019

vhb