THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NOs.4787 OF 2019,

7440, 9306 AND 11272 OF 2020,

24160 OF 2021 AND 30754 OF 2022

COMMON ORDER:

Heard Sri Ch. Ravi Kumar, learned counsel for the petitioners and Sri Harender Pershad, learned Special Government Pleader representing the learned Advocate General.

2. All these Writ Petitions are filed questioning the acquisition proceedings that are initiated by the respondent-State in respect of the lands situated in Medipally Village, Yacharam Mandal, Ranga Reddy District, which are at different stages and as such the same were heard together and are being disposed of by this common order.

3. W.P.No.4787 of 2019 was filed by 58 petitioners questioning the preliminary notifications issued under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("the Act, 2013" for brevity) in File Nos.G1/3271/2017, G1/3272/2017, G1/3273/2017, G1/3274/2017, G1/3275/2017 and G1/3278/2017 dated 28.07.2017, G1/3276/2017 dated 04.08.2017 and G1/3279/2017 dated

07.08.2017 and to declare them, as illegal and arbitrary. Out of 58 petitioners, petitioner Nos.46 and 58 filed I.A.Nos.2/2021 and 1/2021 respectively seeking permission of this Court to withdraw the Writ Petition insofar as they are concerned.

4. W.P.No.7440 of 2020 was filed by 75 petitioners questioning the declarations made under Section 19(1) of the Act, 2013 pursuant to the preliminary notifications, which are impugned in W.P.No.4787 of 2019 vide Ranga Reddy District Gazette Nos.57, 58, 59, 60, 61, 62, 63 and 64 dated 31.07.2019 and Gazette No.74 dated 30.08.2019 and the award enquiry notices issued under Section 21 of the Act, 2013 and to declare them, as arbitrary and illegal. Most of the petitioners herein are also petitioners in W.P.No.4787 of 2019.

5. W.P.No.9306 of 2020 was filed by 44 petitioners questioning the notices, dated 01.06.2020 issued under Section 37(2) of the Act, 2013 and consequently to set aside the preliminary notification issued under Section 11(1) of the Act, 2013 and the declaration made under Section 19(1) of the Act, 2013 and the Award, dated 28.05.2020 which were also impugned in W.P.Nos.4787 of 2019 and W.P.No.7440 of 2020. Petitioner No.15 filed I.A.No.2 of 2021 seeking permission to withdraw the Writ Petition.

6. W.P.No.11272 of 2020 was filed by the sole petitioner questioning the notices, dated 01.06.2020 issued under Section 37(2) of the Act, 2013 and consequently to set aside the preliminary notification issued under Section 11(1) of the Act, 2013 and the declaration made under Section 19(1) of the Act, 2013 and the Award, dated 23.05.2020 which were also impugned in W.P.Nos.4787 of 2019 and W.P.No.7440 of 2020.

7. W.P.No.24160 of 2021 was filed by four petitioners questioning the notices, dated 01.06.2020 issued under Section 37(2) of the Act, 2013 and consequently to set aside the preliminary notification issued under Section 11(1) of the Act, 2013 and the declaration made under Section 19(1) of the Act, 2013 and the Award, dated 23.05.2020 which were also impugned in W.P.Nos.4787 of 2019 and W.P.No.7440 of 2020.

8. W.P.No.30754 of 2022 was filed questioning the Award, passed pursuant to the preliminary notification, dated 28.07.2017 viz., Ranga Reddy Gazette No.22 and declaration made under Section 19(1) dated 31.07.2019 published in Ranga Reddy District Gazette No.57, dated 31.07.2019 and the Award proceedings, dated 23.05.2020, the Award notices, dated 01.06.2020 and the L.A.O.P.No.89 of 2022 insofar as the land of the petitioner admeasuring Acs.10.00 gts in Survey No.124/A of

Medipally Village, Yacharam Mandal, Ranga Reddy District, as illegal and arbitrary.

9. The total extent of the land that is covered by the impugned acquisition proceedings is Acs.1700.23½ gts. The total extent of land being claimed by the petitioners herein is Acs.259.02½ gts belong to the 65 petitioners. Acquisition of the said land was taken up at the instance of the TSIIC Limited for establishment of Hyderabad Pharma City. Before issuing the preliminary notifications, the Government issued G.O.Ms.No.46 Industries & Commerce (IP&INF) Department, dated 20.07.2017 for establishment of Hyderabad Pharma City and in terms of the power conferred on the Government under Section 10A of the Act, 2013, as amended by the Act, 21 of 2017 exempted the Hyderabad Pharma City from the application of the provisions of Chapter II and III of the Act, 2013. Thereafter, the sixth respondent issued the impugned primary notifications under Section 11(1) of the Act, 2013. At that stage, the petitioners in W.P.No.4787 of 2019 approached this Court by raising various contentions and this Court, by an order, dated 29.07.2020, directed the respondent-authorities not to take coercive steps against the petitioners' land. Thereafter, the respondent-authorities proceeded with further proceedings and declarations

under Section 19(1) of the Act, 2013 were made on 31.07.2019 and 30.08.2019 and thereafter, different Awards, dated 23.07.2020 were passed in respect of each of the impugned notifications. Though, initially it is only the declarations made under Section 19(1) of the Act, 2013 and the award enquiry notices were questioned in W.P.No.7400 of 2020, subsequently, an application seeking amendment of prayer was made vide I.A.No.3 of 2020 to amend the prayer in the main Writ Petition, thereby, questioning the Awards, dated 23.07.2020 passed by the sixth respondent. The said application was heard along with the main Writ Petition.

10. Petitioner Nos.38, 49 and 50 in W.P.No.7440 of 2020 filed I.A.Nos.2 and 5 of 2021 seeking permission to withdraw the Writ Petition. I.A.No.1 of 2021 was filed by TSIIC, who is the beneficiary of the acquisition in question, to implead itself as party respondent to the main Writ Petition.

11. The sixth respondent filed comprehensive counter affidavit in W.P.No.7400 of 2020 and the same is requested to be considered as counter in W.P.No.4787 of 2019 as well.

12. Mr. Ch. Ravi Kumar, learned counsel for the petitioners, raised various contentions and the same are noted hereunder, in brief:-

(1) The preliminary notification issued under Section 11(1) of the Act, 2013 stood rescinded for want of making a declaration, as required under Section 19(1) of the Act, 2013 within a period of twelve months from the date of the preliminary notification.

(2) Market value determination was not done, as required under Section 26 of the Act, 2013 prior to issuance of the preliminary notification under Section 11(1) of the Act.

(3) The preliminary notification was not published in all the forms, as required under Section 11(1) (a) to (e) read with Rule 19 of the Rules, 2014 and Gramasabha, as required under Section 11(2) of the Act, 2013, was not conducted.

(4) All the notifications and declarations are required to be published in an official Gazette i.e. the State Gazette but in the instant case, all the notifications were published only in the District Gazette and thereby, there is non-compliance with the mandatory requirement of law. He also placed reliance on Section 2(15) and 2(9) of the Telangana General Clauses Act in support of such contention.

(5) Fair chance to file objections under Section 15 of the Act, 2013 was not afforded and no personal hearing was conducted, as required under Section 15 of the Act. Though

some of the petitioners, who were before the Joint Collector, requested for furnishing all such information relating to the project in question, the same were not furnished to the petitioners. The objections that were raised by the petitioners against the preliminary notification were not considered and no orders are passed by the respondents.

(6) The procedure that is required to be followed under Sections 16 to 18 of the Act, 2013 relating to preparation of rehabilitation and resettlement scheme are not followed by the administrator.

(7) The award enquiry notices that were issued to the petitioners did not afford reasonable opportunity to put forth their claim as the various information required to be furnished in the local language was not furnished to the petitioners, thereby disabling them to put forth their claim during the course of award enquiry.

13. In support of the above contentions, learned counsel for the petitioners placed reliance on cases, **State of Uttar Pradesh v. Singhara Singh**[1], **Khub Chand v. State of Rajasthan**[2], **State of Mysore v. Abdul Razak Sahib**[3], **I.T.C.Bhadrachalam**

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[1] **AIR 1964 SC 358**
[2] **AIR 1967 SC 1074**
[3] **(1973)3 SCC 196**

Paperboards v. Mandal Revenue Officer[4], **Chameli Singh v. State of U.P.**[5], **Hindustan Petroleum Corpn. Ltd. v. Darius Shapur Chenai**[6], **Government of Karnataka v. Gowramma**[7], **Mahanadi Coalfields Ltd. v. Mathias Oram**[8], **Kolkata Metropolitan Development Authority v. Gobinda Chandra Makal**[9], **Union of India v. Shiv Raj**[10], **Shiv Singh v. State of Himachal Pradesh**[11], **Vidya Devi v. State of H.P.**[12], **B.K.Ravichandra v. Union of India**[13], **Tammala Naven Kumar & Ors. v. State of Telangana & Ors.**[14], **State of Telangana v. Talamaina Yellavva**[15], **Gandla Thirupathi & Ors. v. State of Telangana & Ors.**[16], **T.Srinivas v. State of Telangana**[17] and **Tamilnadu Housing Board v. DPF Textiles**[18].

14. On the other hand, Mr. Harender Pershad, learned Special Government Pleader, submitted that though declarations, as required under Section 19(1) of the Act, 2013 are not made within a period of twelve months, as mandated under law, necessary extentions have been granted by the

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[4] (1996)6 SCC 634
[5] (1996)2 SCC 549
[6] (2005)7 SCC 627
[7] (2007)13 SCC 482
[8] (2010)11 SCC 269
[9] (2011)9 SCC 207
[10] (2014)6 SCC 564
[11] (2018)16 SCC 270
[12] (2020)2 SCC 569
[13] 2020 SCC OnLine SC 950
[14] W.P.Nos.36015 and 31491 of 2017 dated 06.02.2018
[15] W.A.No.812 of 2018 dated 18.06.2018
[16] W.P.No.19572 of 2018 dated 20.06.2018
[17] W.P.No.24983 of 2017 dated 17.08.2017
[18] W.A.No.151 of 2012

appropriate Government extending time for making declaration in exercise of the power conferred on the Government under the second proviso to sub-Section 7 of Section 19 of the Act, 2013 and as such, the lapse or rescinding of the preliminary notifications in question does not arise. He also contended that date of past publication is to be taken into consideration for the purpose of counting the period. He further contended that in all, only 93 persons raised objections against the notifications in question and out of the 75 petitioners in W.P.No.7400 of 2020, only 25 petitioners have raised their objections under Section 15 of the Act, 2013. He further contended that the respondents, having considered their objections, issued notices to all the objectors fixing the date of hearing as 30.12.2017, 02.01.2018 and 03.1.2018 for conducting enquiry on the said objections and after considering their objections, appropriate orders were passed by the appropriate Government. He also contended that a Gramasabha was conducted on 04.09.2017 and prior to conducting of Gramasabha, a notice dated 19.08.2017 was issued to the effected parties and accordingly, the villagers were informed about the purpose of acquisition etc. He further contended that the notices, as required under Section 16(5) of the Act, 2013, were issued to all the effected

persons on 01.12.2017 and a meeting was conducted on 07.12.2017 and in the said meeting, the Joint Collector informed all the concerned that in addition to the compensation, an amount of Rs.5,00,000/- would be paid to the effected family towards rehabilitation and resettlement benefit. Thus, he contended that after following due procedure, as required under law, the sixth respondent passed awards, dated 23.07.2020 in furtherance of the respective declarations made under Section 19(1) of the Act, 2013. He also placed before this Court G.O.Ms.No.6, Revenue (JA&LA) Department, dated 17.01.2017 and G.O.Ms.No.139, Revenue (JA&LA) Department, dated 20.08.2015 wherein the District Collector as appropriate Government and the Revenue Divisional Officer/Special Deputy Collector as Land Acquisition Officers were appointed.

15. Learned Special Government Pleader also placed reliance on various decisions of the Hon'ble Apex Court and also the High Court of Andhra Pradesh in **Datla Venkata Appala Prasadaraju v. State of Andhra Pradesh**[19], **Sawaran Lata v. State of Haryana**[20], **Sooraram Pratap Reddy v. District Collector, Ranga Reddy District**[21], **M.S.P.L. Limited v. State**

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[19] **2022 SCC OnLine AP 2526**
[20] **(2010)4 SCC 532**
[21] **(2008)9 SCC 552**

of Karnataka[22], **Sriniwas Ramnath Khatod v. State of Maharashtra**[23], **Rambhai Lakhabai Bhakt v. State of Gujarat**[24] and **Ramniklal N.Bhutta v. State of Maharashtra**[25].

16. This Court has carefully considered the arguments advanced on either side and also the entire material placed on record.

17. By virtue of notification issued under proviso to Section 3(e) of the Telangana State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014 ("the Rules, 2014" for brevity), the Government appointed the District Collector as the appropriate authority to initiate land acquisition proceedings for any extent of land to be acquired for a public purpose within the jurisdiction of the local district through G.O.Ms.No.6 Revenue (JA&LA) Department dated 17.01.2017. Hence, the District Collector concerned i.e. Collector, Ranga Reddy District is the appropriate Government for all the purposes of the Act, 2013, insofar as present acquisition is concerned. So also the Revenue Divisional Officer/Special Deputy Collector/Special Collectors are notified as Land Acquisition Officers for

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[22] **2022 SCC OnLine SC 1380**
[23] **(2002)1 SCC 689**
[24] **(1995)3 SCC 752**
[25] **(1997)1 SCC 134**

performing the functions of the Collector under clause 'g' of Section 3 of the Act, 2013 by issuing an executive order vide G.O.Ms.No.139 Revenue (JA&LA) Department dated 20.08.2015. Hence, for all purposes, the Land Acquisition Officer is the Collector and the District Collector concerned is the appropriate Government in the instant case. Before dealing with the matter on merits, it would be appropriate to take note of the observations made by the Hon'ble Apex Court in **Ramniklal N.Bhutta v. State of Maharashtra** (25 supra) and the relevant portion reads as under:-

> "Before parting with this case, we think it necessary to make a few observations relevant to land acquisition proceedings. Our country is now launched upon an ambitious programme of all-round economic advancement to make our economy competitive in the world market. We are anxious to attract foreign direct investment to the maximum extent. We propose to compete with china economically. We wish to attain the pace of progress achieved by some of the Asian countries, referred to as "Asian tigers", e.g., South Korea, Taiwan and Singapore. It is, however, recognised on all hands that the infrastructure necessary for sustaining such a pace of progress is woefully lacking in our country. The means of transportation, power and communications are in dire need of substantial improvement, expansion and modernisation. These things very often call for acquisition of land and that too without any delay. It is, however, natural that in most of these cases, the persons affected challenge the acquisition proceedings in courts. These challenge the acquisition proceedings in courts. These challenges are generally in shape of writ petitions filed on High Courts. Invariably, stay of acquisition is asked for and in some cases, orders by way of stay or injunction are also made. Whatever may have been the practices in the past, a time has come where the courts should keep the larger public interest in mind while exercising their power or grant in stay/injunction. The power under Article 226 is discretionary. It will be exercised only in furtherance of interests of justice and not merely on the making out of a legal point. And in the matter of land acquisition for public purposes, the interests of justice and the public purposes, the interests of justice and the public interest coalesce. They are

> very often one and the same. Even in civil suit, granting of injunction or other similar orders, more particularly of an interlocutory nature, is equally discretionary. The courts have to weigh the public interest vis-a-vis the private interest while exercising the power under Article 226 indeed any of their discretionary powers. It may even be open to the High Court to direct, in case it finds finally that the acquisition was vitiated on account of non-compliance with some legal requirement that the persons interested shall also be entitled to a particular amount of damages to be awarded as a lumpsum or calculated at a certain percentage of compensation payable. There are many ways of affording appropriate relief and redressing a wrong; quashing the acquisition proceedings is not the only mode of redress. To wit, it is ultimately a matter of balancing the competing interests. Beyond this, it is neither possible nor advisable to say. We hope and trust that these considerations will be duly borne in mind by the courts while dealing with challenges to acquisition proceedings."

18. Before considering the matter on merits, it would be appropriate to have clarity on the dates of the notifications on which preliminary notifications were issued, the declarations that were made under Section 19(1) of the Act, 2013 and the extensions that were granted by the appropriate Government under the second proviso to sub-Section 7 of Section 19 of the Act, 2013 and the dates on which respective awards were passed. As per the material available on record, the same are as under:-

Sl. No.	Sec.11(1) Notification	Gazette		Newspaper	Notification under second proviso to Sec.19(7)	Gazette No./Date	Section 19(1) Gaz.Notification	Date
1.	G1/3271/17, 28.07.2017	28.07.2017	Gaz.RR No.22	01.08.2017	23.07.2018	113, 24.07.2018	RR.No.57	31.07.2019
2.	G1/3272/17, 28.07.2017	28.07.2017	Gaz.RR No.23	01.08.2017	24.07.2018 +paper	114, 24.07.2018	RR.No.58	31.07.2019
3.	G1/3273/17, 28.07.2017	01.08.2017	Gaz.RR No.20	03.08.2017	24.07.2018 +paper	115, 24.07.2018	RR.No.59	31.07.2019
4.	G1/3274/17, 28.07.2017	28.07.2017	Gaz.RR No.21	01.08.2017	24.07.2018 +paper	116, 24.07.2018	RR.No.50	31.07.2019
5.	G1/3275/17, 28.07.2017	28.07.2017	Gaz.RR No.18	03.08.2017	24.07.2018 +paper	117, 24.07.2018	RR.No.61	31.07.2019
6.	G1/3276/17, 28.07.2017	04.08.2017	Gaz.RR No.16	05.08.2017	24.07.2018 +paper	118, 24.07.2018	RR.No.62	31.07.2019
7.	G1/3277/17, 28.07.2017	28.07.2017	Gaz.RR No.17	29.07.2017	24.07.2018 +paper	119, 24.07.2018	RR.No.63	31.07.2019
8.	G1/3278/17, 28.07.2017	28.07.2017	Gaz.RR No.19	29.07.2017			RR.No.64	31.07.2019

19. From the above particulars, as noted in the tabular form, all the notifications under Section 11(1) of the Act, 2013, were published on or before 04.08.2017 and on verifying the corresponding dates of the proceedings under which extension of time under second proviso to sub-Section 7 of Section 19 of the Act, 2013, was granted, the same were issued by the District Collector, who is the appropriate Government in respect of the acquisition in question much prior to the expiry of the initial period of twelve months. Thus, the time for making declaration under Section 19(1) of the Act, 2013 stood extended by twelve months. The next question that would arise for consideration is the date from which the said twelve months period is to be counted. It is to be counted from the date of

publication in the Gazette or from the date of last of such publications. In respect of all the preliminary notifications, they were published in the Gazette first and later published in News Papers. In the considered view of this Court, the date of last of such publication should be taken into consideration. The reason is that, under preliminary notifications, 60 days time is available to the interested persons to raise objections against the proposed acquisition. If a person who has not noticed the preliminary notification first published in Gazette and only noticed the preliminary notification published later in the News Papers, say after 30 days or so from the date of publication, the said person will have only 30 days time to raise objections from the date of publication in the News Paper. The right to raise objections is considered as valuable right rather only right available to the interested persons, as held by the Hon'ble Apex Court. If that 60 days time is curtailed by taking into consideration the date of publication in the Gazette, the same would result in violation of the mandatory requirement of giving 60 days time to raise objections. Hence, the last of such publication shall only be taken into consideration.

20. In the case on hand, except the declaration made in respect of preliminary notification bearing Nos.G1/3277/17 and

G1/3278/17, all the other declarations were made during the extended period of twelve months. Insofar as the above referred two notifications are concerned, the declarations were made beyond the period of twelve months from the date of last of the publication, as is evident from the particulars noted above in the tabular form. Thus, the said two notifications stood rescinded by operation of law.

21. The contention that is raised by learned counsel for the petitioner that the said proceedings granting extension of time are all anti-dated and not published in the Gazette and not uploaded in the website of the appropriate Government before the expiry of the twelve months' period etc., and as such the preliminary notifications stood rescinded before granting extension of time is concerned, in the considered view of this Court, the same does not stand for legal scrutiny for the simple reason that in terms of second proviso to sub-Section 7 of Section 19 of the Act, 2013, the extension of time is required to be granted by the appropriate Government before the expiry of the initial twelve months' period and before the preliminary notification stands rescinded by operation of law. The publication of the said proceedings granting extension of time in the official Gazette and uploading the same on the website of

the appropriate Government is only a ministerial act and the same can take place at a later point than the date on which such extension was granted. This Court has already taken such a view in and order dated 09.03.2023 passed in W.P.No.23939 of 2019, wherein this Court held as under:-

> "Under sub-section 7 of Section 19 of the Act, 2013, the period of twelve months is supposed to commence from the date of the notification published under Section 11(1) i.e., 21.05.2018. By applying Section 9 of the Act, 1897, the date from which the period is to commence is required to be excluded. Thus, if the date of notification i.e., 21.05.2018 is excluded, the twelve months period commences from 22.05.2018 and comes to an end on 21.05.2019. In the instant case, the extension of time was granted through proceedings, dated 21.05.2019, that is the last date on which the twelve months period is scheduled to expire. No doubt the said proceedings, dated 21.05.2019 through which the extension of time was granted was published in Gazette No.280 of 2019, only on 22.05.2019. The power conferred under second proviso to sub-section 7 of Section 19 of the Act, 1897, to extend the period of twelve months prescribed under sub-section 7 of Section 19 of the Act, 2013, is required to be exercised within a period of twelve months. But the obligation to notify such extension and uploading the same on the website of the authority is concerned, the same not necessarily be with within a period of twelve months prescribed under Section 19(7) of the Act, 2013. It would be suffice, if the extension of time is granted before the notification under Section 11(1) of the Act, 2013 stood rescinded and before expiry of the period of twelve months prescribed under Section 19(7) of the Act, 2013. Once such extension is granted, the same can be published and notified in routine course, which is purely a procedural or ministerial act."

Further, the Hon'ble Apex Court also had an occasion to consider the similar aspect in the case of **Sriniwas Ramnath Khatod v. State of Maharashtra** (23 supra) wherein it was held as under:-

> "Thus a detailed reading of the authority makes it clear that the last date under Section 6(2) is only for purposes of computing limitation under Section 11-A. Publications under Section 6(2) are ministerial acts and procedural in nature. In any

> case, in this case the date of first publication of declaration is 30.01.1987. This is also within one year of last date of notification under Section 4. The High Court was thus right in holding that the proceedings were not vitiated."

The Hon'ble Apex Court took the similar view in the case of **Urban Improvement Trust, Udaipur v. Bheru Lal and Others**[26]. In the light of the law laid down by the Hon'ble Apex Court, this Court has no hesitation to hold that the time extended in respect of the notifications in exercise of power under second proviso to sub-Section 7 of Section 19 of the Act, 2013 is well within time and the validity of all the impugned notifications stood extended for a further period of twelve months.

22. The other objection about determination of market value as required under Section 26 of the Act, 2013 is concerned, the counter affidavit is silent on the same. Even assuming that the same was not complied with, the same though mandatory, the same is curable defect and can be complied with at a later stage and appropriate direction can be issued in this regard. Under no circumstances, the non-compliance with such requirement can be a ground to undo the entire proceedings.

23. The next question that falls for consideration is whether the respondents have complied with the requirement of

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[26] **AIR 2002 SC 3309**

publishing the preliminary notification, as required under Section 11(1)(a) to (e) of the Act, 2013 or not? If not complied with whether the same is fatal to the acquisition proceedings in question?

24. It is the contention of learned counsel for the petitioners that the preliminary notifications though published in two newspapers, such newspapers have no wide circulation in the locality in question and as such, the same does not amount to compliance with the requirement of law. He also contended that the preliminary notification is required to be published in all the modes, as provided under Clauses (a) to (e) of Section 11(1) of the Act, 2013read with Rule 9 of the Rules, 2014 and any omission to comply with any one of such requirements will result in vitiating the entire proceedings. On the other hand, Sri Harender Pershad, learned Special Government Pleader, contended that the purpose of publishing the preliminary notification is only to bring to the knowledge of the affected parties about the proposed acquisition and once that purpose is achieved, the non-compliance with the requirement of publishing the said notification in other modes is of no consequence. On this aspect of the matter, learned counsel for the petitioners relied upon the judgments of the Hon'ble Apex

Court reported in **Khub Chand v. State of Rajasthan** (2 supra) and **State of Mysore v. Abdul Razak Sahib** (3 supra) and the learned Special Government Pleader relied upon the judgment of the Hon'ble Apex Court reported in **Sawaran Lata v. State of Haryana** (20 supra).

25. The view taken in the above judgments relied upon by the learned counsel for the petitioners has been diluted in the later judgments over a period of time and same is evident from the law laid down by the Hon'ble Apex Court in the case of **Sawaran Lata v. State of Haryana** (20 supra) relied upon by the learned Special Government Pleader and in view of the same, this Court is inclined to stress upon the latest law, as declared by the Hon'ble Apex Court in the case of **Sawaran Lata v. State of Haryana** (20 supra) wherein the Hon'ble Apex Court at para-11 held as under:-

> "In the instant case, it is not the case of the petitioners that they had not been aware of the acquisition proceedings as the only ground taken in the writ petition has been that substance of the notification under Section 4 and declaration under Section 6 of the 1894 Act had been published in the newspapers having no wide circulation. Even if the submission made by the petitioners is accepted, it cannot be presumed that they could not be aware of acquisition proceedings for the reason that a very huge chunk of land belonging to a large number of tenure-holders had been notified for acquisition. Therefore, it should have been the talk of the town. Thus, it cannot be presumed that the petitioners could not have knowledge of the acquisition proceedings."

In the instant case, though a serious objection is raised about non-compliance of the requirement of law under Section 11(1) of the Act, 2013, there is no pleading to the effect that the petitioners have no knowledge about the preliminary notification or that the petitioners could not raise their objections for want of knowledge about the proposed acquisition. No prejudice is even pleaded to have been suffered by the petitioners. Further, in the instant case, in all about Acs.7000.00 gts of land is being acquired for the purpose of Hyderabad Green Pharma City and it is very well known in the locality as is evident from the material on record and therefore, even if it is the contention of the petitioners that they do not have any knowledge about the acquisition proceedings, the same cannot stand to legal scrutiny. Admittedly, 25 petitioners out of 75 have raised their written objections in response to the preliminary notifications that were issued. Therefore, the objection in this regard by the learned counsel for the petitioner is not sustainable. Though a contention on the ground of not having wide circulation to the two newspapers in which preliminary notification was published, no material is placed before this Court to substantiate the same. Further, in the light of the law laid by the Hon'ble Apex Court in **Sawaran Lata v. State of Haryana**

(20 supra), if applied to this case on hand, the said objection does not stand for legal scrutiny. In the circumstances, the acquisition proceedings in question cannot be interfered with on this ground.

26. The other objection with regard to non-conducting of Gramasabha, as required under sub-Section 2 of Section 11 of the Act, 2013 is concerned, sufficient material is placed before this Court including the notices that were issued to the effected parties whose lands were notified for acquisition and minutes of the Gramasabha were also placed on record along with signatures of the persons, who have attended such Gramasabha. Though the petitioners have raised several contentions on the issue of non-conducting of the Gramasabha, the same are vague and in view of the material that is placed before this Court pertaining to the conducting of Gramasabha in the village in question, by the sixth respondent, this Court is not inclined to take into consideration the vague allegations that are made in this regard.

27. Then, coming to the issue of publication of the impugned notifications and declarations in the District Gazette instead of State Gazette on the ground that the official Gazette referred to in various provisions of the Act is only the State Gazette also in

the considered view of this Court is unsustainable. The very purpose of publishing the notifications in the Gazette is to give an authenticity to the details or contents of such notifications and confirm such contents and with a view to bring such contents of the notifications to the notice of the general public who are supposed to know about the same. In the instant case, all the notifications/declarations were admittedly published in the District Gazette of Ranga Reddy District. Insofar as confirmation of contents of notification is concerned, the same would be served even if the same is published in the District Gazette. All the lands that are being acquired are admittedly located within Ranga Reddy District. As already noted above, for the purpose of acquisition proceedings in question, the District Collector is acting as appropriate Government. The subject notifications were published in District Gazette. District Gazette is also published by the State and the same is also an official Gazette at the District Level. Hence, it cannot be said that the same is not an official Gazette. Recently, the High Court of Andhra Pradesh had an occasion to consider the very same issue in the case of **Datla Venkata Appala Prasadaraju v. State of Andhra Pradesh** (19 supra) wherein a Division Bench of the High Court of Andhra Pradesh was pleased to hold that

the District Gazette is an official Gazette for the purposes of the Act, 2013. The very same provisions of the Act, 2013 were considered and the learned Division Bench arrived at such conclusions and the same reads as under:-

> "We are now faced with divergent views taken by different High Courts, i.e. one by a Single Bench, Division Bench of Madras High Court and other by a Division Bench and Five Judge Bench of the erstwhile High Court of Andhra Pradesh. The decision rendered by the erstwhile High Court of Andhra Pradesh is binding on this Court, whereas the decision rendered by a different High Court has only persuasive value. We, therefore, have no hesitation in following the law laid down by our own High Court, which has clearly held that the District Gazette is an official Gazette and is published under the authority of the Board of Revenue as per its Standing Order 193, wherein under Chapter XVII, it is provided that "a monthly official gazette will be published in each district. We would, therefore, conclude that publication of the land acquisition notifications in the District Gazette is proper compliance as provided under Section 11(1)(a) of the L.A. Act, 2013 and the notifications cannot be quashed on this ground."

Though learned counsel tried to distinguish the said judgment of the Division Bench of High Court of Andhra Pradesh on the ground that the same was rendered in the context of BSOs which were applicable only to the State of Andhra Pradesh, in the considered view of this Court, the same makes no difference as the very provisions of the Act, 2013 were considered by the learned Division Bench of the High Court of Andhra Pradesh and this Court is inclined to follow the said judgment of the Division Bench. The reliance that is placed by the learned counsel for the petitioners on the judgment of the Division Bench of Madras High Court in **Tamilnadu Housing Board v.**

DPF Textiles (18 supra) is concerned, the same was rendered on the ground that on earlier occasion, the very same officer published the notification in the State Gazette, but later published the same in District Gazette, and the said judgment came to be passed under those facts of that case. The same has no application to the facts of the case on hand. The reliance that is placed by the learned counsel for the petitioners in the case of **I.T.C.Bhadrachalam Paperboards v. Mandal Revenue Officer** (4 supra) is concerned, the issue that arose for consideration therein was whether the publication in the official Gazette is a mandatory requirement or not and the context in which the same was considered also totally different from the ground whether the official Gazette is only the State Gazette or not has not fell for consideration in that case. Hence, the same has no application to the facts of the case on hand. In the light of the above, this Court is of the considered view that the publication of the notifications/declarations in the District Gazette as is done in the present case is in compliance with the requirement of law.

28. Then, coming to the aspect of non-consideration of the objections that are raised by the petitioners herein is concerned, there is some substance in this contention. It is an admitted

fact that 25 petitioners out of 75 petitioners have submitted their objections in response to the preliminary notification. However, it is the contention of the petitioners that the other petitioners herein have submitted their objections after expiry of the 60 days' period provided under the preliminary notification but before the hearing was conducted by the District Collector. As such the objections that are raised by all the petitioners are required to be considered, but they were not considered and no orders were passed by the District Collector i.e. appropriate Government on considering the objections raised by the petitioners. As against the specific contention raised by the petitioners on non-consideration of the objections raised by them and not passing any orders on such objections, as required under sub-Section 2 of Section 15 of the Act, 2013, the sixth respondent in the counter affidavit though contended that the objections were considered and appropriate orders were passed, no details of such orders are furnished in the counter affidavit, much less the dates of such orders and also failed to place any such orders before this Court. Though the said aspect of the matter was dealt with in the counter affidavit more than once, the sixth respondent is totally silent on the details of such orders said to have been passed by the appropriate

Government i.e. the District Collector. In view of the same, this Court has no option except to come to conclusion that the requirement of considering the objections raised by duly affording an opportunity of personal hearing to the objectors as required under Section 15(2) of the Act, 2013 is not complied with by the respondents. As rightly pointed out by the learned counsel for the petitioners, the right of hearing on the objections raised by the petitioners is not an empty formality and the same is only right conferred on the landholder to object for the proposed acquisition. The opportunity that is required to be provided under Section 15(2) of the Act, 2013 is analogous to the opportunity that was provided under Section 5A of the Land Acquisition Act, 1894 ("the Act, 1894" for brevity). The nature and scope of enquiry that was contemplated under Section 5A of the Act, 1894 has fallen for consideration before the Hon'ble Apex Court in the cases of **Hindustan Petroleum Corpn. Ltd. v. Darius Shapur Chenai** (6 supra) and **Union of India v. Shiv Raj** (10 supra). In the later case, the Hon'ble Apex Court held as under:-

> "Section 5-A(2) of the Act 1894, which represents statutory embodiment of the rule of audi alteram partem, gives an opportunity to the objector to make an endeavour to convince the Collector that his land is not required for the public purpose specified in the notification issued under Section 4(1) of the Act 1894 or that there are other valid reasons for not acquiring the same. Thus, section 5-A of the Act 1894 embodies a very just and

wholesome principle that a person whose property is being or is intended to be acquired should have a proper and reasonable opportunity of persuading the authorities concerned that acquisition of the property belonging to that person should not be made.

On the consideration of the said objection, the Collector is required to make a report. The State Government is then required to apply mind to the report of the Collector and take final decision on the objections filed by the landowners and other interested persons. Then and then only, a declaration can be made under Section 6(1) of the Act 1894.

Therefore, Section 5-A of the Act 1894 confers a valuable right in favour of a person whose lands are sought to be acquired. It is trite that hearing given to a person must be an effective one and not a mere formality. Formation of opinion as regard the public purpose as also suitability thereof must be preceded by application of mind having due regard to the relevant factors and rejection of irrelevant ones. The State in its decision making process must not commit any misdirection in law. It is also not in dispute that Section 5-A of the Act, 1894 confers a valuable important right and having regard to the provisions, contained in Article 300A of the Constitution of India has been held to be akin to a fundamental right. Thus, the limited right given to an owner/person interested under Section 5-A of the Act, 1894 to object to the acquisition proceedings is not an empty formality and is a substantive right, which can be taken away only for good and valid reason and within the limitations prescribed under Section 17(4) of the 1894 Act.

The Land Acquisition Collector is duty-bound to objectively consider the arguments advanced by the objector and make recommendations, duly supported by brief reasons, as to why the particular piece of land should or should not be acquired and whether the plea put forward by the objector merits acceptance. In other words, the recommendations made by the Land Acquisition Collector should reflect objective application of mind to the entire record including the objections filed by the interested persons.

(See : Munshi Singh & Ors. v. Union of India, AIR 1973 SC 1150; Union of India & Ors. v. Mukesh Hans, AIR 2004 SC 4307; Hindustan Petroleum Corporation Ltd v. Darius Shahpur Chenai and Ors., AIR 2005 SC 3520; Anand Singh & Anr v. State of U.P. & Ors., (2010) 11 SCC 242; Dev Sharan v. State of U.P., (2011) 4 SCC 769; Raghbir Singh Sehrawat v. State of Haryana, (2012) 1 SCC 792; Usha Stud and Agricultural Farms (P) Ltd. v. State of Haryana, (2013) 4 SCC 210; and Women's Education Trust v. State of Haryana, (2013) 8 SCC 99).

Even under the Act, 2013 also, the Land Acquisition Officer on receipt of objections from the interested persons is required to afford an opportunity of personal hearing to the objectors, consider the objections raised prepare a report and submit the same to the appropriate Government/District Collector and the District Collector/appropriate Government is under obligation to pass an order dealing with the objections raised against the proposed acquisition. This aspect of the matter has fallen for consideration before the Hon'ble Apex Court in the case of **Shiv Singh v. State of Himachal Pradesh** (11 supra) wherein the Hon'ble Apex Court was pleased to hold that the requirement of considering the objections and passing an appropriate order after affording an opportunity of personal hearing is mandatory and held as under:-

> "Under the scheme of the Act, once the objections are filed by the affected landowners, the same are required to be decided by the collector under Section 15(2) of the Act after affording an opportunity of being heard to the landowners, who submitted their objections and after making further inquiry, as the Collector may think necessary, he is required to submit his report to the appropriate Government for appropriate action in the acquisition in question.
>
> In this case, we find that the Collector neither gave any opportunity to the appellants as contemplated under Section 15(2) of the Act and nor submitted any report as provided under Section 15(2) of the Act and nor submitted any report as provided under Section 15(2) of the Act to the Government so as to enable the Government to take appropriate decision. In other words, we find that there is non-compliance of Section 15(2) of the Act by the Collector. In our view, it is mandatory on the part of the Collector to comply with the procedure prescribed under Section 15(2) of the Act by the Collector. In our view, it is mandatory on

> the part of the Collector to comply with the procedure prescribed under Section 15(2) of the Act so as to make the acquisition proceedings legal and in conformity with the provisions of the Act."

In the instant case, though vaguely it is stated that the objections were considered and orders were passed, as already observed above neither the report submitted by the Land Acquisition Officer to the District Collector is placed on record, nor the copies of the orders that are stated to have been passed by the District Collector are placed on record nor the details of such order are furnished by the respondents.

29. In the light of the law laid down by the Hon'ble Apex Court, while dealing with the nature and scope of enquiry under Section 5A of the Act, 1894 and under Section 15(2) of the Act, 2013, in the considered view of this Court, the law laid down by the Apex Court applies to the case on hand as well and as such for want of considering the objections raised by the petitioners, all the subsequent proceedings that have taken place resulting in passing of awards dated 23.07.2020 stands vitiated.

30. Yet another ground raised by the learned counsel for the petitioner is that the respondents failed to follow the mandatory procedure, as provided under Sections 16, 17 and 18 of the Act, 2013 and also failed to comply with the requirement of publishing the summary of the Rehabilitation and Resettlement

Scheme along with declaration under sub-Section (1) of Section 19 of the Act, 2013. Section 16(1) of the Act, 2013 mandates that upon publication of the preliminary notification under sub-Section 1 of Section 11 of the Act, 2013 by the Collector, the administrator for rehabilitation and resettlement shall conduct a survey and undertake a census of the effected families in such manner and within such time as may be prescribed which shall include the following:-

> (a) particulars of lands and immovable properties being acquired of each affected family;
>
> (b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired;
>
> (c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;
>
> (d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and
>
> (e) details of any common property resources being acquired.

Then, based on the survey and census, the administrator has to prepare a draft rehabilitation and resettlement scheme under sub-Section (2) of Section 16 of the Act, 2013, which would include the particulars of the rehabilitation and resettlement entitlements of each landowner and landless whose livelihoods are primarily depended on the lands being acquired etc. In terms of sub-Section (3) of Section 16 of the Act, draft

rehabilitation and resettlement scheme prepared under sub-Section 2 shall include time limit for implementing rehabilitation and resettlement scheme and then the same is required to be the made known locally by wide publicity under sub-Section 4 and a public hearing is required to be conducted under sub-Section 5 of Section 16 of the Act, 2013. Thereafter, under Section 17 of the Act, 2013 said draft rehabilitation and resettlement scheme is required to be reviewed by the Collector with the rehabilitation and resettlement committee at the project level constituted under Section 45 of the Act, 2013 and thereafter, the said rehabilitation and resettlement scheme shall be made available on approval by the Commissioner to the general public. In spite of serious allegation of the non-compliance with the procedure contemplated under Sections 16 to 18 of the Act, 2013, the respondents in their counter affidavit failed to state as to whether any such procedure was followed or not. But they simply stated that a notice under sub-Section 5 of Section 16 of the Act, 2013 was issued and a scheme was prepared by awarding an amount of Rs.5,00,000/- to each of the families effected in addition to the compensation that is payable for the land. Thus, it is evident that the procedure that is required to be followed under Sections 16 to 18 of the Act,

2013 is not followed by the respondents. From the language that is used in the said provisions read with the requirement under sub-Section 2 of Section 19 of the Act, 2013 of publication of summary of rehabilitation and resettlement scheme along with the declaration under sub-Section (1) of Section 19 of the Act, 2013 makes it clear that the said procedure is a mandatory and any failure to follow said procedure would vitiate all subsequent proceedings. Thus, for want of compliance with the requirement of law as contemplated under Sections 16 to 18 of the Act, 2013 also, the further proceedings including the declaration made under Section 19(1) of the Act, 2013 and the Awards, dated 23.07.2020 are liable to be declared as illegal.

31. The contention of Mr. Harender Pershad, learned Special Government Pleader, by placing reliance on the judgment of the Hon'ble Apex Court reported in **M.S.P.L. Limited v. State of Karnataka** (22 supra) contending that the challenge to the acquisition proceedings at the instance of persons having only 10% of the land cannot be allowed is concerned, in the considered view of this Court the said judgment cannot be made applicable to the case on hand. In the said case, the Hon'ble Apex Court was dealing with a challenge made to the

acquisition of the entire land covered by a single notification at the instance of persons having less than 10% of the total extent of land and where the learned Division Bench of the concerned High Court set aside the entire acquisition proceedings at the instance of persons having 10% of the land. In the facts and circumstances of the said case, the Hon'ble Apex Court came to said conclusion. So also this Court is not convinced with the reasoning given by the Bombay High court in the case of **Godrej & Boyce Manufacturing Co. Ltd. v. The State of Maharashtra & Others**[27], and the facts of the cases on hand are totally different and as such, the same is of no help to sustain the impugned acquisition proceedings. Further, in the instant case, there is a violation of the mandatory provisions of the Act, 2013 and the manner in which the acquisition proceedings have taken place is directly in conflict with the law declared by the Hon'ble Apex Court as noted hereinabove while dealing with mandatory nature of complying with the requirement under Sections 15 to 18 of the Act, 2013. This Court also considered the very same aspect as to whether the procedure provided under Sections 16 to 18 of the Act, 2013 is a mandatory

[27] **(2015)11 SCC 554**

requirement or not and held that the same is mandatory in nature in W.P.No.23939 of 2019 dated 09.03.2023.

32. The other ground raised by the learned counsel for the petitioners is that the information that is sought by the petitioners in local language is not being furnished etc. is not being considered in view of the conclusions already arrived at by this Court as above.

33. The other contention raised by learned counsel for the petitioners by placing reliance on condition No.6 of Environmental Clearance granted in respect of the project in question stating that the State has undertaken to acquire the land only by consent but not by following compulsory acquisition procedure and therefore, any attempt on the part of the respondent-State in seeking to acquire the lands without the consent of the petitioners is not permissible is concerned in the considered view of this Court, the same also does not stand to legal scrutiny. The said condition No.6 reads as under:-

> "Remaining Land acquisition to be done with the consent as per "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" and as amended by Government of Telangana "RFTLARR (Telangana Amendment) Act 2016."

From the above extracted condition, it is evident that the said consent and as per the provisions of the Act, 2013 but not dehorse the provisions of the Act, 2013.

34. As rightly pointed out by Sri Harender Pershad, it is only in case of acquisition of land for the purposes provided under sub-Section 2 of Section 2 of the Act, 2013 the consent of the landholders is mandatory but not for the acquisitions for the purposes provided under sub-Section 3 of Section 2 of the Act, 2013. The acquisition in question is undoubtedly a purpose contemplated under sub-Section 3 of Section 2 of the Act, 2013. The eminent domain of the State cannot be curtailed or taken away by any agreement or by any order of the Court and the law in this regard is also well settled as held by the Hon'ble Apex Court in **Sooraram Pratap Reddy v. District Collector, Ranga Reddy District** (21 supra), which reads as under:

> "The power of eminent domain does not depend for its existence on a specific grant. It is inherent and exists in every sovereign State without any recognition thereof in the Constitution or in any statute. It is founded on the law of necessity. The power is inalienable. No legislature can bind itself or its successors not to exercise this power when public necessity demands it. Not can it be abridged or restricted by agreement or contract."

Therefore, the contention of learned counsel for the petitioners by placing reliance on condition No.6 of Environmental Clearance also does not stand to legal scrutiny.

35. In the light of the law laid down by the Hon'ble Apex Court in the case of **Vidya Devi v. State of H.P.** (12 supra) and **B.K.Ravichandra v. Union of India** (13 supra), wherein it was

held that no person shall be deprived of the property except by following due process of law, it is not open for the State to claim that the law or the Constitution can be ignored or complied at its convenience.

36. In the light of the conclusions arrived at by this Court, as above, the mandatory requirements as contemplated under Section 15(2) and Sections 16 to 18 of the Act, 2013 are not complied with by the respondents. In view of the same, this Court has no option except to arrive at an irresistible conclusion that the declarations made under Section 19(1) of the Act, 2013 and the consequential proceedings resulting in passing of the impugned Awards, dated 23.07.2020 are vitiated and they are liable to be set aside.

37. This Court is conscious of the fact that the Hyderabad Green Pharma City is a prestigious project proposed by the State, as early as in the year 2015 i.e. immediately after formation of the State of Telangana but the same is yet to take its own shape because of the legal impediments and the interim orders passed by this Court in various Writ Petitions. This Court is at loss to understand as to why the officials manning the relevant positions coming from Indian Administrative Service are not able to understand the basic requirement of law

and the procedure that is required to be followed in the matter of acquisition proceedings. In fact, the Special Chief Secretary to Government, Revenue (JA&LA) Department issued memo No.18817/LA/2017 dated 23.10.2017 giving detailed guidelines on to the mandatory procedures that are required to be followed by the Land Acquisition Officers and the District Collectors while undertaking land acquisition under the Act, 2013. But, for the reasons best known, the said detailed guidelines provided in the said memo are also given a go-bye. This Court is surprised to note as to why the respondents are not able to realize their mistake at least when the issue has come up before this Court and they were put on notice. At least when the matters were brought before this Court, had the respondents applied their minds with sense of responsibility and rectified themselves by following the law, the valuable time could have been saved for the State instead of making efforts to cover up their mistakes. The manner in which these Writ Petitions are contested blindly by the respondents creates a doubt in the mind of the Court as to whether the respondents are acting genuinely with a view to safeguard the interests of the State in furtherance and implementation of the policy of the State or acting deliberately with a view to frustrate the implementation

of the policy and objects of the State Government. Had the respondents realized the lacunaes or the defects in the acquisition proceedings, as pointed out by the petitioners before this Court, the valuable time of about three years could have been saved.

38. The fact remains that the preliminary notifications in question were issued in the month of July, 2017 and by now considerable time has elapsed, and if the proceedings are to be continued based upon the very same preliminary notifications, serious prejudice would be caused to the petitioners as the market value as on the date of preliminary notifications would be taken into consideration for arriving at the compensation payable. Taking these factors into consideration and in the light of the findings recorded in the preceding paragraphs, this Court, in exercise of power conferred under Article 226 of the Constitution of India, is inclined to pass the following order:-

(i) The preliminary Notification issued in proceedings No.G1/3277/17 and G1/3278/17 are declared to have stood rescinded by operation of law for want of making a declaration within the extended period.

(ii) The impugned declarations made under sub-Section 1 of Section 19 of the Act, 2013 published in Gazette Nos.57, 58,

59, 60, 61, 62, 63 and 64 dated 31.07.2019 and Gazette No.74 dated 30.08.2019 and the consequential awards, dated 28.07.2020 are set aside insofar as the lands of petitioners herein are concerned.

(iii) The respondents are at liberty to continue the acquisition proceedings from the stage of considering the objections raised in response to the preliminary notification Nos.Sl.Nos.1 to 6 in Table and then strictly follow the mandatory requirements under sub-Section 2 of Section 15 and Sections 16 to 18 of the Act, 2013 and by strictly following the law and other provisions of the Act and conclude the same, as expeditiously as possible, at any rate within a period of three (3) months from the date of receipt of a copy of this order.

(iv) The petitioners are also directed to cooperate for the conclusion of the proceedings within the stipulated time.

(v) The petitioners are also given liberty to submit their objections, if any, if they are so advised, within a period of two (2) weeks from the date of receipt of a copy of this order before the sixth respondent and the sixth respondent shall in turn submit a report to the fourth respondent.

(vi) The respondents shall also take steps for revision of market value as contemplated under Section 26 of the Act, 2013

as on the date of this judgment before arriving at the market value for the purpose of arriving at the compensation payable to the petitioners.

(vii) The date of this judgment shall be taken as criteria for the purpose of payment of the compensation payable to the petitioners i.e. in the place of the date of preliminary notification.

(viii) W.P.No.4787 of 2019 is dismissed as withdrawn insofar as petitioner Nos.46 and 58 are concerned and W.P.No.7440 of 2020 is dismissed as withdrawn insofar as petitioner Nos.38, 49 and 50 are concerned.

(ix) Accordingly, W.P.No.4787 of 2019 and W.P.Nos.7440, 9306 and 11272 of 2020, 24160 of 2021 and 30754 of 2022 are partly allowed, to the extent indicated hereinabove.

39. Before parting with the case, this Court intends to express that the acquisition proceedings are interfered with because of certain procedural lapses. But the same cannot be avoided forever. Therefore, it is a fit case where the petitioners and the respondents shall bestow their best efforts to negotiate and arrive at on an amicable solution on the quantum of compensation and other benefits for which the petitioners are entitled to as the same would be in the best interest of both

parties. In such an event, the respondents can save valuable time and the issue would be resolved once for all. This Court hope and trust that good wisdom would prevail upon either parties and issue get resolved at an early date.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

(MUMMINENI SUDHEER KUMAR, J)

4th August 2023
RRB