

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 10433/2024

1. Jamnadas Sanadhya S/o Late Bhagwandas Sanadhya, Aged About 73 Years, 16 G, Sukhadiya Nagar, Nathdwara District Rajsamand (Raj.).
2. Madanlal Sharma, Aged About 95 Years, Adarsh Nagar, Nathdwara District Rajsamand (Raj.).
3. Navneetlal Sanadhya S/o Late Bhagwandas Sanadhya, Aged About 83 Years, Shreeji Kripa, Behind Krishna Motors, Lal Bagh, Nathdwara District Rajsamand (Raj.).
4. Rahul Sanadhya S/o Late Chimanlal Sanadhya, Aged About 48 Years, Anand Kunj, Near Ambawada Akhada, Gaushala Road, Nathdwara District Rajsamand (Raj.).

----Petitioners

Versus

1. Union Of India, Through Secretary, Ministry Of Railways, Rail Bhawan, New Delhi.
2. Deputy Chief Engineer (Construction)-Ii, North Western Railway, Old Indian Oil Corporation Depot, Sector 11, Hiran Magri, Udaipur.
3. Competent Authority (Land Acquisition Officer) Cum Sub Divisional Officer, Nathdwara District Rajsamand (Raj.).

----Respondents

For Petitioner(s) : Mr. Sandeep Shah, Sr. Advocate
assisted by Ms. Akshiti Singhvi &
Mr. Vinit Sanadhya

HON'BLE MS. JUSTICE REKHA BORANA

Order

04/07/2024

1. The facts of the case are that a notification dated 29.12.2023 was issued in terms of Section 20A of the Railways Act, 1989 (for short 'the Act of 1989') for acquiring the lands to lay down new railway line named as Nathdwara-Nathdwara Town in District Rajsamand. The lands of the petitioners fell under the said acquisition and hence, they preferred their objections in terms of Section 20D of the Act of 1989 on 14.02.2024.

2. Learned senior counsel appearing for the petitioners submits that without affording any opportunity of hearing to the

petitioners, the objections as preferred by them were sought to be decided vide order dated 09.04.2024. Learned senior counsel submits that the alleged information for hearing been given by a news item published in newspaper cannot be said to be a compliance of the basic principle of natural justice so as to afford hearing to the petitioners.

Learned senior counsel further submits that even otherwise, all the objections as raised by the petitioners have not been dealt with and in a very cursory manner, the order dated 09.04.2024 has been passed.

3. Learned senior counsel also submits that the complete exercise of issuing a new notification and including the lands of the petitioners under the same, has been undertaken just to benefit certain land holders so that their land is ousted from acquisition.

4. In view of the submissions made, Admit. Issue notice. Issue notice of the stay application also.

Notices be filed in two sets within a period of one week. On the same being filed, one set be given '*dasti*' to learned counsel for the petitioners for service through registered post acknowledgment due. Notices be made returnable on 29.07.2024.

Postal receipts of the '*dasti*' notices be filed within a period of one week from the date of receipt of '*dasti*' notices.

5. Meanwhile, further acquisition proceedings qua the lands of the petitioners shall remain stayed.

(REKHA BORANA),J