**SYNOPSIS**

That the Petitioner is filing the present Writ Petition in Public Interest under Article 32 of the Constitution of India seeking mandamus to cancel / struck down the contradictory amendments made by state governments to the State Acts and Rules by destroying basic structure of the original Central Act, \_\_\_\_\_\_\_ through ordinances under Article 254(2) of the constitution of India, whereby the basic structure of the Original central Act and Rule has been changed to give exemption to large categories of projects from consent provisions, Social Impact Assessment, Objections by affected citizens and participation of local bodies etc, thereby violated Fundamental right guaranteed to citizens of India under Article 14, 19(1)(g) and 21 of the Constitution.

The said amendments made by the State Acts diluted the provision for return of unutilized land. The central act had a provision to return unutilised land to the people when if it remained unutilized for more than 5 years. It also had provision for fresh award if the compensation to majority of affected people not paid after declaration of Award. In all most all state amendments, it is tried to either extend the period of making the acquisition void and changing the payment of compensation the beneficiaries by declaration of award and depositing the compensation with the court or the state treasury.

**LIST OF DATES**

1894 The \_\_\_\_\_\_Act 1894 was passed

27.09.20\_\_ The \_\_\_\_\_\_\_\_ passed by Indian Parliament.

24.05.20\_\_ State of \_\_\_\_\_\_\_ has passed notification and designated collector as competent authority to acquire land upto \_\_\_\_ acres. The Notification also designated all Sub-Divisional Officers (Deputy Collector /Joint Collector) to perform powers of the collector under section \_\_\_\_\_\_\_ and \_\_ of the Act.

08.08.20\_\_ The Central Government notified \_\_\_\_\_\_\_ Rules, 20\_\_.

22.10.20\_\_ Uttar Pradesh Government has issued notification in pursuance of provisions of clause (3) of Article 348 of the Constitution and changed factor 2 as the factor by which the market value to be multiplied in the case of any \_\_\_ to be acquired in rural areas of UP.

20.11.20\_\_ Andhra Pradesh Government notified The \_\_\_\_\_\_Rules, 20\_\_.

18.12.20\_\_ Hence, this Writ Petition.

**IN THE SUPREME COURT OF INDIA**EXTRA ORDINARY ORIGINAL JURISDICTION

**WRIT PETITION (C) NO. \_\_\_\_\_\_\_\_ OF 2018 (P.I.L)
PUBLIC INTEREST LITIGATION**(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

**IN THE MATTER OF:**1. XYZ                                                                                    Petitioner No. 1

VERSUS

Union of India                                                                      Respondent  No. 1

To,
The Hon'ble Chief Justice of India
& His Companion Judges of this Hon'ble Court

Humble civil appeal on behalf of the Appellants above-named:

**Most Respectfully Showeth:**

1. That the Petitioner is filing the present Writ Petition in Public Interest under Article 32 of the Constitution of India seeking mandamus to cancell / struck down the contradictory amendments made by state governments to the State Acts and Rules by destroying basic structure of the original Central Act, \_\_\_\_\_\_\_ through ordinances under Article 254(2) of the constitution of India, whereby the basic structure of the Original central Act and Rule has been changed to give exemption to large categories of projects from consent provisions, Social Impact Assessment, Objections by affected citizens and participation of local bodies etc, thereby violated Fundamental right guaranteed to citizens of India under Article 14, 19(1)(g) and 21 of the Constitution.

2. (1)All Petitioners are Citizens of India. Petitioner No. 1 \_\_\_\_\_\_\_\_\_ is a renowned social activist. He is residing at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The average annual income of the Petitioner for the last financial year (FY-20\_\_-20\_\_) is approximately Rs. \_\_\_\_\_/- and PAN number is \_\_\_\_\_\_\_\_\_\_\_\_\_. The Petitioner's National UID number is \_\_\_\_\_\_.

3. **The Case in Brief and facts constituting the cause of action**
(1) That Indian Parliament had passed \_\_\_\_\_\_ Act, 20\_\_ and the Ministry of Law and Justice had published it through Gazette Notification on September \_\_, \_\_. The draft Act, which replaced an earlier 18\_\_ law, was debated over for almost two years. People's movements and civil society organisations had analysed that while the new law had several positive features like consent of landowners or food Security related provisions, it had a few lacunae.

4. **Source of Information:** The Petitioner relies on Acts, Amendment Act, Rules and Amendment Rules passed by Parliament, published in Official Gazette through ordinances by the Central Government, Acts, amendment Acts, Rules and Amendment Rules passed by the state governments and published in official gazette, observations of some Newspapers etc as well as personal knowledge and experience related to Land acquisition Act.

5.**Details of Remedies Exhausted:**The Petitioners have not approached any court of authority for remedy against the issues raised in this Petition. That the Petitioner does not have any alternative equally efficacious remedy other than to approach this Hon'ble Court than by way of filing this writ petition under Article 32 of the Constitution of India.

6. That the present petition will be beneficial for land owners and farmers India is India as the amendments in Central Act, Central Rules, State Acts and State Rules are adversely affecting their fundamental rights.

**7. Nature of Personal Interest, if any, of the Petitioner**: The Petitioners have no personal interest in this Petition and it is being filed in Public Interest.

8. That the Petitioners have not filed any other writ petition same or similar to the present writ petition, neither in this Hon'ble Court nor in any other Court or forum across the land.

9. The Petitioner declares that the issue raised was neither dealt with nor decided by a Court of law at the instance of the petitioner or to the best of his knowledge, at the instance of any other person.

10. The Petitioners have not approached any authority for relief for the subject matter of this petition.

11. That the Petitioner is filing the instant Writ Petition inter alia on the following amongst other grounds:-

**GROUNDS**
A. Because central Act \_\_\_\_\_\_\_\_\_\_\_\_\_\_ Act, 20\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Rules, 20\_\_ overrides all state Acts and rules. The amendment made by states in Land Acquisition Act and Rules through ordinances under Article 254(2) of constitution conflicting with Central Act and the amendments contradicting the central Act and State Act are liable to deleted.

B. Because the states cannot use concurrent list used to modify the state Act, if the state Act conflict with Central Act.

**12. GROUNDS FOR INTERIM RELIEF**

A. Because the amendments made in \_\_\_\_\_\_\_ Act and Rules by the State Governments is adversely affecting the interest of the farmers of the country, their fundamental rights are affected and the land is being acquired without their consent by not providing rehabilitation to them, urgent intervention of this court is necessary.

B. As explained in the main grounds of the Petition, the farmers of the country deserve to get immediate relief from this Hon'ble Court.

**13. MAIN PRAYER**

In light of the aforesaid, the Petitioner, therefore, pray that this Hon'ble Court may kindly be pleased to:

a. Issue a writ of Mandamus or any other appropriate writ, order or direction in the nature thereof, declaring that the \_\_\_\_\_\_\_\_\_\_\_\_\_ Acts and Rules made by States by amending the original central Act, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_ passed by the Parliament, overrides the central act, are illegal and deserves to struck down;

b. Issue any other appropriate writ, order or direction as the nature and circumstances of the present case may require;

**14. INTERIM PRAYER**

In light of the aforesaid, the Petitioner, therefore, pray that this Hon'ble Court may kindly be pleased to:

a. Issue a writ of Mandamus or any other appropriate writ, order or direction in the nature thereof, restoring the original central act \_\_\_\_\_ Act, 20\_\_\_ and central rules \_\_\_\_\_\_ Rules, 20\_\_ in all states which have amended the state / acts rules and should be in force till the present Petition is finally adjudicated;

b. Issue any other appropriate writ, order or direction as the nature and circumstances of the present case may require;

AND FOR THIS ACT OF KINDNESS THE APPELLANT AS DUTY BOUND SHALL EVER PRAY

FILED BY:

Advocate for the petitioner Drawn By:
Drawn on:
Filed on:
New Delhi