

Where landowners participate in Section 5A of the Land Acquisition Act, 1894 proceedings over several dates, receive replies, and then fail to appear, file rejoinders, seek adjournment, or otherwise pursue their objections, they may be treated as having abandoned the right of personal hearing

The **Supreme Court** in the case of **Alok Kothwala vs Jaipur Metro Rail Corporation [Civil Appeal No.8269 of 2026]** dated **July 13, 2026**, has held that while Section 5A of the Land Acquisition Act, 1894 confers a mandatory and valuable right of objection and hearing, that right can be lost by the landowners' own conduct where they fail to pursue the proceedings after participating on multiple dates; in such circumstances, substantial compliance with Section 5A is sufficient and the acquisition for the Jaipur Metro car depot could not be invalidated.

Section 5A of the Land Acquisition Act, 1894 creates a mandatory right to file objections, receive a hearing, and obtain fair consideration of those objections, but the Collector's role remains administrative and not judicial. Therefore, a detailed speaking order is not required and substantial compliance is enough if objections are considered, brief reasons are indicated, and the State Government applies its mind before issuing a Section 6 declaration, added the Court.

The Court further held that where landowners participate in Section 5A proceedings over several dates, receive replies, and then fail to appear, file rejoinders, seek adjournment, or otherwise pursue their objections, they may be treated as having abandoned the right of personal hearing. In such circumstances, forwarding the recommendation without granting one more opportunity does not by itself amount to breach of Section 5A or invalidate the acquisition.

The Supreme Court then independently examined the substance of the landowners' objections and found none of them sufficient to invalidate the acquisition. It held that there was no legal requirement that newspaper publication must precede the Section 4 notification, especially when the landowners admittedly had notice and filed objections in time. It further held that acquisition for a metro rail depot clearly served a public purpose, and evolving project planning or later DPR changes did not negate that public purpose.

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