

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.12036 of 2005

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for respondent Nos.1 to 3.

As per the averments in the counter affidavit of the respondents, an extent of Ac.0.34 cents in R.S.No.401/2A2A of Rajahmundry (Urban) Town relating to fourth respondent, was notified under Section 3A of the National Highway Act, 1956, on 22.08.2001, for the purpose of widening of National Highway No.5 road. The declaration was published in the Central Gazette on 14.01.2002. The notification was published in the daily newspaper on 16.02.2002 and 17.02.2002. The enquiry was conducted on 25.02.2002. At the time of enquiry, the fourth respondent's representatives claimed compensation over the said land. An amount of Rs.1,66,600/- was paid to the fourth respondent, being 80% of the compensation, on 19.07.2002. In the meanwhile, it appears that the said land, along with the other property, was sold in favour of the petitioner on 26.04.2002 under a registered sale deed. Ultimately, an Award was passed in favour of the fourth respondent on 04.06.2003. At the time of measurement of the land it was noticed that an extent of Acs.2.30 cents was under the occupation and enjoyment of the petitioner by virtue of the registered sale deed dated 26.04.2002. The petitioner appears to have filed a representation to the competent authority on 20.05.2005 seeking release of the entire amount of compensation. But, no steps could be taken in view of the interim orders passed by this Court in W.P.M.P.No.15325 of 2005 dated 09.06.2005.

Now, it is fairly submitted by the learned Counsel for the petitioner that the amount of Rs.1,66,600/- received by the fourth respondent was paid to the petitioner, but still the balance 20% of the amount has to be paid by respondent Nos.1 to 3. The petitioner is not aware whether the said amount has already

been paid to the fourth respondent by virtue of the Award passed in favour of the fourth respondent. The fourth respondent has not entered appearance.

In the circumstances, this Writ Petition is disposed of giving liberty to the petitioner to submit a detailed representation to the second respondent, within a period of one month from the date of receipt of a copy of this order, for payment of balance 20% of the compensation amount to them, and the enhanced amount, if any, on the basis of the sale deed executed in their favour on 26.04.2002. The second respondent shall consider the same and pass appropriate orders thereon within a period of three months thereafter. If the amount was already paid to the fourth respondent, it is open to the petitioner to take appropriate civil proceedings for recovery of the said amount from the fourth respondent. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

10.04.2015

vs

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