

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION No.20109 of 2016

ORDER:

Vide the present petition, the petitioner seeks mandamus declaring the action of the 3rd respondent in not referring the claim of the petitioner in respect of lands in Sy.No.556/2, situated at Rampur (V), Dharamsagar (M), Warangal District, acquired for 4 Lane National highway, Yadagiri-Rampur-Warangal at 76/800 to 150(0) to competent Principal Senior Civil Judge's Court/jurisdictional Court for adjudication under Section 3H(4) of the National Highways Act, as illegal, arbitrary and to consequently direct the respondents No.1 to 3 to refer the claim of the petitioner in respect of above said land to the competent Principal Senior Civil Judge's Court at jurisdiction for adjudication.

Learned Government Pleader for Land Acquisition submits that the matter has already been referred to the Principal District Judge, Warangal. She submits that as per Section 30 of the Land Acquisition Act 1894, if any dispute arises, the matter should be referred to the Civil Court, while depositing the award amount. But, since the said provision of Land Acquisition Act 1894 has been repealed by new act i.e., Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which is not applicable to this case. She further submits that under Section 3H (4) of the National High Way Act 1956, deposit of Award amount in the civil court is not required.

Learned counsel appearing on behalf of the petitioner submits that as per the practice prevailing in the States of Telangana and Andhra Pradesh, in such a situation, the Award amount has to be deposited, while referring matter to the civil court. However, the learned counsel failed to show any provision

by which the respondents are bound to deposit the award amount.

Hence, without expressing any opinion on the issue, since the matter has already been referred to the Principal District Judge, Warangal, the present petition has become infructuous.

Accordingly, this Writ Petition is dismissed as infructuous. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

JUSTICE SURESH KUMAR KAIT.

Date :04-08-2016

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