

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.42114 of 2016

ORDER:

Heard Mr. P. Sree Ramulu Naidu for petitioners, the Assistant Government Pleader for Land Acquisition and Mr. S.S. Varma for National Highways Authority of India/respondents 2 and 3.

2. Petitioners pray for appropriate relief against the inaction in finalizing the compensation claims of petitioners or denying the compensation payable to them pursuant to acquisition of petitioners' properties for road widening at the instance of the fifth respondent as illegal, arbitrary and unconstitutional. The grievance of the petitioners is that determination of compensation payable for land acquired is contrary to the law laid down by the Hon'ble Supreme Court and further discrimination is followed in paying compensation for acquisition of structures of petitioners. Petitioners have sought for determination of compensation by taking recourse to the mechanism provided under Section 3(g)(v) of the National Highways Act, 1956. The claims of petitioners are pending in Rc.No.NH-5/73/2013; Rc.No.NH-5/79/2013; Rc.No.NH-5/72/2013; Rc.No.NH-5/88/2013; Rc.No.NH-5/65/2013; Rc.No.NH-5/82/2013; Rc.No.NH-5/84/2013 and Rc.No.NH-5/81/2013. The claims are not determined till date.

3. The land was acquired in the year 2010. Admittedly, the structures were demolished long ago and put to use for road widening. The delay in determination by the third respondent is certainly causing hardship and irreparable injury to petitioners.

Therefore, though an attempt has been made by learned counsel for petitioners to decide the dispute, having regard to the fact that the statutory remedy availed by petitioners still is pending before the third respondent, to meet the ends of justice, I am satisfied the writ petition can be disposed of by this order:

The third respondent is directed to decide the disputes/determination pending in Rc.No.NH-5/73/2013; Rc.No.NH-5/79/2013; Rc.No.NH-5/72/2013; Rc.No.NH-5/88/2013; Rc.No.NH-5/65/2013; Rc.No.NH-5/82/2013; Rc.No.NH-5/84/2013 and Rc.No.NH-5/81/2013 within eight (8) weeks from the date of receipt of copy of this order. The petitioners are given liberty to file supplemental explanation/documents, if so advised, within two (2) weeks from the date of receipt of copy of this order by enclosing the copy of the instant order. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

December 29, 2016
DSK

S. V. BHATT, J

