

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

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Writ Petition No.17122 of 2016

ORDER:

Vide present writ petition, the petitioner seeks writ of *Mandamus* declaring the action of the respondent-authorities in not paying the compensation for the land taken by the authorities in the name of expansion of National Highway No.5 at present market value, as illegal and consequently, direct the authorities to pass fresh award as per Central Act 30 of 2013 and pay the compensation for 274 sq. meters of land taken at Takkellapadu Village, Pedakakani Mandal, Guntur district, in Sy.No.53/1B at the market rate prevailing in May 2016.

2. Learned Assistant Government Pleader appearing on behalf of respondents 3 and 4, submits that the petitioner may be directed to receive the awarded compensation of Rs.6,88,178/- for 274 sq. meters of land as per the rate fixed in the Award No.4/2010/NH-5 dated 18.10.2010 by filing the required documents including the details of savings bank account, IFSC Code number, details of Pan Number and two passport size photos etc., as passing of fresh Award as per Central Act 30 of 2013 and payment at the present prevailing market rate of May, 2016 cannot be done as per the provisions of the N. H. Act, 1956. He further submits that since compensation of Rs.6,88,178/- awarded for 274 sq. meters has already been passed as per the Award dated 18.10.2010, the market rate prevailing in the month of May, 2016 cannot be granted.

3. Learned counsel for the petitioner submits that the petitioner has not received any communication to this effect.

4. In the circumstances, the respondents are directed to transmit the said compensation amount in favour of the petitioner within one

week from today, with the copy of the award and amount awarded. If the petitioner is aggrieved of the action or inaction of the respondents mentioned above, the petitioner is at liberty to challenge the same before appropriate forum.

5. With the above direction, the writ petition is disposed of. No order as to costs. Pending miscellaneous petitions, if any, in this writ petition shall stand dismissed in consequence.

SURESH KUMAR KAIT, J

Date: 04.08.2016
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