

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION Nos.20888 and 20894 of 2017

COMMON ORDER :

Heard learned counsel for the petitioners and Sri S.S.Varma, learned Standing Counsel for the National Highway Authority of India, who offers to file vakalat from the instructions and learned Government Pleader for Land Acquisition appearing for other official respondents and perused the prayer in the writ petitions with supporting affidavits and the arbitration award proceedings dated 29.02.2016 bearing Nos.62-A/ 2016 and 64/ 2016 respectively issued by the 4<sup>th</sup> respondent-District Collector and Arbitrator in enhancing the compensation from the one fixed by the 5<sup>th</sup> respondent-Competent Authority (LA) under National Highways Act and Joint Collector, Kadapa, the petitioners are aggrieved by the said compensation fixed by the 4<sup>th</sup> respondent in the awards referred to supra.

It is the submission of the learned counsel for the respondents that the writ petitions are not maintainable and there is a remedy under Section 34 of the Arbitration Act, 1996 (for short 'the Act') before the District Judge, within the meaning of Section 2(e) of the Act as quoted, which is

the District Court at Y.S.R. District, Kadapa, in fact, the issue is covered by the judgment of this Court in Nekkalapudi Ramakrishna Pratap v. District Collector, Warangal District and another<sup>1</sup>.

Having regard to the above, these Writ Petitions are disposed of giving liberty to the petitioners to file applications under Section 34 of the Act before the learned District Judge at Kadapa and the learned District Judge shall entertain the same without insisting for any period of limitation, if otherwise in order, if filed, within two weeks from the date of receipt of copy of this order and dispose of the same on merits.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed. No costs.

Dr. B. SIVA SANKARA RAO, J

Date:30-06-2017

pab

---

<sup>1</sup> 2006(1) ALD 511

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION Nos.20888 and 20894 of 2017

DATE: 30.06.2017



pab