

THE HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.1851 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue a Writ or order or direction more particularly writ of Mandamus, declaring the action of the respondent No.3, not disposing of the Arbitration proceedings of the petitioners, pending before him, as illegal and arbitrary.”

Heard Sri Y.Koteswara Rao, learned counsel for the petitioners, learned Government Pleader for Land Acquisition for respondents 1 to 5 and Sri S.S.Varma, learned Standing Counsel for respondent No.6.

According to the petitioners, they are the residents of Kanumuru Village, Pamarru Mandal, Krishna District. For the purpose of widening the National Highway from Vijayawada to Machilipatnam from Km.32.050 to Km.48.700 of NH-9 in Gudivada Revenue Division of Krishna District, land acquisition proceedings were initiated in respect of the properties of the petitioners and the 4th respondent, the Competent Authority/Revenue Divisional Officer passed an award dated 26.11.2012. According to the petitioners, they lost their residential houses and the abutting lands. Pursuant to the award, cheques were issued to the petitioners by the competent authority and they received the same from the 4th respondent under protest. Thereafter, they

approached the 3rd respondent under Section 3(G) of the National High Way Act, 1956. The 3rd respondent issued a notice bearing Rc.G1/4475/2011, dated 28.07.2014, asking the land losers to appear for enquiry on 07.08.2014.

According to the learned counsel for the petitioners, the petitioners herein appeared before the Additional Joint Collector/3rd respondent for enquiry. It is stated in the writ affidavit that on the said date, the petitioners were informed that the next date of hearing would be intimated. The grievance of the petitioners in the present writ petition is that thereafter, they have not received any notice of hearing from the 3rd respondent and no proceedings have taken place even after lapse of two years. It is further stated that in view of the pendency of the enquiry, the petitioners herein lost their immovable properties and they are put to irreparable loss and hardship.

Taking into consideration the submissions of the learned counsel for the petitioners, learned Government Pleader for Land Acquisition and Sri S.S.Varma, learned Standing Counsel for 6th respondent, this Court is of the considered view that the ends of justice would be met if the 3rd respondent is directed to complete the enquiry under the provisions of the National High Way Act, 1956 pursuant to the notice bearing Rc.G1/4475/2011, dated 28.07.2014, in respect of the properties of the petitioners and pass appropriate orders by fixing time.

For the aforesaid reasons, this Writ Petition is disposed of directing the 3rd respondent to pass appropriate orders pursuant to the notice bearing Rc.G1/4475/2011, dated 28.07.2014, in respect

of the properties of the petitioners herein under the provisions of National High Way Act, 1956 after giving notice and opportunity to the petitioners within a period of three (3) months from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

19th January, 2017.
ssp

