

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.27408 of 2017

ORDER

Heard learned counsel appearing for the petitioners and learned counsel appearing for respondents 2 and 4.

The petitioners claim that they are residents of Poranki Village, Penumaluru Mandal, Krishna District, and they are small farmers, petty traders, shop owners and small house plot owners of the lands situated abetting the National Highway No.65 (old NH-9). The said village is situated in the rural area of Penumaluru Mandal and is governed by the gram panchayat. It appears that a notification was issued on 24.09.2009 under Section 3-A (1) of the National Highways Act, 1956 (for short 'the Act'), for acquisition of 70570.00 square meters in Poranki Village, covered by various survey numbers for building (widening/four laning) maintenance, management and operation of National Highway No.65 in the stretch of land from Km 00.000 to KM 20.650 (Vijayawada-Machilipatnam Section) in the District of Krishna. The said notification was published in the local newspapers on 22.10.2009 and 23.10.2009. The petitioners have submitted their objections to the Competent Authority

against the proposed acquisition of land. However, the Competent Authority overruled their objections by issuing a notice on 28.04.2010. Subsequently, the Ministry of Road Transport and Highways issued Section 3-D Gazette of India notification dated 22.9.2010 declaring the intention of the Government to acquire the subject land for the aforesaid purpose. Thereafter, the Central Government has published a notification in the local newspapers on 19.1.2011 and 20.1.2011 under Section 3-G of the Act for the purpose of determining the amount of compensation payable to the petitioners' lands. Accordingly, the petitioners appeared before the Competent Authority on 4.2.2011 and 5.2.2011 and submitted the required particulars before the competent authority. In the meanwhile, the Parliament enacted the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, by repealing the Land Acquisition Act 1 of 1894, which came into force with effect from 1.1.2014. The Competent Authority and Sub-Collector, Vijayawada, passed Awards on 27.3.2015 and 31.5.2016 in respect of the petitioners' lands. Though some of the petitioners have received the compensation, the remaining petitioners have not

received the same. However, arbitration proceedings are going on with regard to enhancement of compensation. In those circumstances, challenging the Award dated 31.5.2016, the present writ petition is filed.

Learned counsel appearing for the petitioners submits that the respondents are highhandedly demolishing the buildings and other structures of the petitioners without any notice or reasonable opportunity, thereby causing huge monetary loss and mental agony to them. She further submits that the award ought not to have been passed without taking into consideration the market value existing as on 1.8.2017.

Learned counsel appearing respondents 2 and 4 submits that the amount was deposited before the Competent Authority and most of the petitioners have received the compensation.

In view of the above, the only point left for consideration in this writ petition is with regard to the right of the petitioners to receive the compensation.

It is not in dispute that the amount of compensation is made available and it is for the petitioners to take the same. With regard to enhancement of compensation, the petitioners are at liberty to raise all their contentions in the pending arbitration

proceedings. In view of the same, there are no grounds to interfere with the order impugned.

Accordingly, the Writ Petition is dismissed. However, the petitioners are given liberty to agitate all points in the pending arbitration proceedings. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

7th September, 2017
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