

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.12195 OF 2017

ORDER:

Heard Sri T.V.S.Prabhakar Rao, the learned counsel appearing for the petitioners and the learned Government Pleader appearing for the respondents.

2. The respondent authorities have acquired the lands of the petitioners herein for the purpose of National Highway. The petitioners herein submitted a representation to the Competent Authority, Land Acquisition (N.H 216), Kakinada, on 29.10.2016, requesting the authorities to pay the compensation on square yard basis but not on Acres basis.

3. Today, when the matter is taken up, written instructions furnished by the Competent Authority for Land Acquisition-NH 216 and Additional Joint Collector, East Godavari District, Kakinada, have been placed on record by the learned Government Pleader. According to the said instructions, the 3rd respondent-Competent Authority issued proceedings on 31.03.2016 determining the compensation for the acquired lands. It is further stated in the said instructions that so far the petitioners herein have not filed their claims along with the required records. It is further stated that if the petitioners herein are not satisfied with the quantum of compensation awarded by the competent authority, they have alternative remedy of filing applications for reference to the Arbitrator under Sub Section 5 of Section 3G of the National Highways Act, 1956 and the said provision of law reads as under:

“3G. Determination of amount payable as compensation

(1).....

(2)

(3)....

(4)...

“(5) If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.”

4. Since the grievance of the petitioners herein is only with regard to quantum of compensation, the petitioners herein can avail the above remedy, provided by statute.

5. In view of the above reasons, the Writ Petition is disposed of keeping it open to the petitioners herein to file necessary applications before the authorities concerned under Sub Section 5 of Section 3G of the Act and it is open for the respondents to consider the same in accordance with law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

APRIL 18, 2017

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Date: 18.04.2017

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