

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.46294 OF 2016

ORDER:

Heard Mr.L.V.S.Nagaraju for petitioner and Assistant Government Pleaders for Land Acquisition and Roads and Buildings.

The petitioner prays for the following relief:

“.....this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondents in proceeding with the road widening works as per the notification No.2820 dated 30.12.2015 without acquiring the petitioners land shown at Serial No.268 and 269 for an extent of 0.19 and 0.85 cents situated at Survey No.43/A3A and 44/C2, Mugathi Village, Nandavaram Mandal, Kurnool District, as illegal, arbitrary and unconstitutional consequently direct the respondents not to interfere with the possession of petitioners lands without acquiring the petitioners lands as per law and to pass.....”

The 5th respondent filed counter affidavit and submitted that award has been passed and the respondents are ready to pay compensation to petitioner. The counter affidavit on this aspect of the matter reads thus:

“It is respectfully submitted that the contention of the petitioner that 5th respondent interfered with the petitioner's land and proceeded with the road widening works without paying the compensation through the 3rd respondent herein-Joint Collector/Competent authority/(L.A) N.H. 167, Kurnool, Kurnool District is incorrect, baseless, far from truth and has been created for the sake of filing the present writ petition.

It is respectfully submitted that the 3rd respondent herein-Joint Collector/Competent authority/(L.A) N.H. 167, Kurnool, Kurnool District passed the Award u/s 3-A of the N.H.Act 1956 vide Award No.02/2016 vide Rc.G1.5284/2015 dated: 10.10.2016 by acquiring the

petitioner's land for an extent of Ac.0.19 and 0.85 cents in Sy.Nos.43/A3A and 44/C2, situated at Mugathi Village, Nandavaram Mandal, Kurnool District along with other lands. Hence the allegation of the petitioner that the 5th respondent interfered with the petitioner's land does not arise.

It is respectfully submitted that as stated supra the 5th respondent after following due procedure of law, laying the road. The petitioner herein instead of cooperating with the respondents authorities filed the present writ petition. It is submitted that whenever the petitioner herein approaches the 3rd respondent herein-Joint Collector/Competent authority/(L.A) N.H. 167, Kurnool, Kurnool District along with relevant documents and bank account details, the 3rd respondent will pay the compensation to the petitioner herein as per law".

The stand of respondents, as excerpted above, is placed on record and accepted.

The petitioner is given liberty to furnish to respondents 3 to 5 within two weeks from the date of receipt of a copy of this order bank account details and other documents. The respondents within ten days from the date of receipt of the details pay compensation as agreed in the counter affidavit.

The writ petition is, accordingly, disposed of. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, stand closed.

S.V.BHATT, J

04th January, 2017
Lrkm