

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.22662 OF 2017

ORDER:

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

“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 trying to lay the road in the petitioners' land situated in Sy.No.428/1A/1A/1A/1B Jammalamadugu - Muddanur road, Jammalamadugu, YSR Kadapa District, without paying compensation amount to the petitioners as contrary to Sec. 3E of the National Highways Act and also violative of Article 14 of the Constitution of India.”

2. Heard learned counsel for the petitioners and also the learned Government Pleader for Land Acquisition, representing for the 3rd respondent and Sri S.S.Varma, learned standing counsel for respondents 1 and 2 – NHAI and perused the prayer in the writ petition with supporting affidavit and the written instructions received by the learned Government Pleader.

3. As per the petitioners, from the supporting affidavit, the respondents, without proper procedure, are trying to dispossess from the land in question to widen the National Highway road.

4. As per the written instructions, the draft award is passed and sent for approval under Section 3D of the National Highways Act, 1956 (herein after, 'the Act') and therefrom the land once vested, the authorities are entitled to deposit compensation and take possession and so far no possession is taken and they want to follow the procedure contemplated by Section 3 of the Act.

5. Having regard to the above and the issues already covered by the expression of this Court in ***Nerajala Nageswara Rao and others Vs. Secretary, Ministry of Highways, New Delhi and others***, in W.P.No.9920 of 2017 and batch, dated 11.07.2017, this writ petition is disposed of, with a direction to the respondents to follow the due procedure.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO, J

25.07.2017

Note: issue C.C. in two days.
B/o.SS