

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

WRIT PETITION No.23607 OF 2017

ORDER:

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

“to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to decide the market value as per the proceedings of the R.D.O., Kakinada in File No.DIS.G/2213/2011 dt.2-08-2011 and consequently appoint the Committee to evaluate the Market Value in terms of agricultural and non-agricultural lands in the interest of justice.”

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 counter affidavit filed by the 2nd respondent on behalf of the respondents.

3. As per the counter affidavit, Section 3(D) of National Highways Act, 1956 (herein after, ‘the Act’), draft declaration also approved and issued, including by publishing in two local newspapers, one particularly in vernacular language and the lands as per Section 3(D) of the Act are vested with the Government. It is also stated that pursuant to the Section 3(A) notification and on considering objections under Section 3(C) of the Act filed by many, but for no-objections

filed by the petitioners and after considering the same, the declaration under Section 3(D) of the Act and issued by the authorities following the procedure and from award being passed by pay or deposit the compensation determined.

4. Having regard to the above, this writ petition can be disposed of, for the petitioners cannot raise any objections at this stage under Section 3(C) of the Act on the public purpose of the acquisition decided and declaration under Section 3(D) of the Act already issued, but for if at all aggrieved from the compensation to be awarded or awarded, as the case may be, to approach the Collector, being the Arbitrator as per the Arbitration Act, 1996 and further even to approach the District Court under Section 34 of the Arbitration Act with reference to Section 3(1)(A) to (L) of the Act and also as per S.O.2368(E) of the Ministry of Rural Development, dated 28.08.2015 and also as held by 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.

5. Accordingly and with the above directions, this writ petition is disposed of. 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
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