

The Hon'ble Sri Justice A.V.Sesha Sai

Writ Petition No.8174 of 2017

Date: 10.03.2017

Order:

This Writ Petition is filed for the following substantive relief:

“to grant a direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 2 and 3 in not conducting a proper enquiry and making payment of compensation for the land taken by them for N.H.9 under the reach of Chalivendrapalem village in R.S.1/1B Acquired vide award no.12/2012,dt 18.6.2012 and making inadequate compensation denying the local market value and other relevant documents and subsequently on a notice directing the petitioners to go for arbitration under 3-G(5) of the National Highways Act, 1956 is against the law contrary to the rules and consequently directing the respondents 2 and 3 namely the District Collector and the Sub Collector, Vijayawada, the LAO to appoint an arbitrator for deciding the market value of the land under acquisition namely the R.S.No.52/6B, R.S.N0.77/1 and to pay the difference of compensation with interest immediately in the interest of justice and pass such other order or orders that are deem fit and necessary.”

Heard the learned Counsel for the petitioners, learned Government Pleader for Land Acquisition (AP) appearing for respondent Nos.1 to 4 and Sri SS.Varma, learned Standing

Counsel for National Highways Road Construction Authority, appearing for respondent Nos.5 and 6. Perused the material available on record.

In response to a legal notice got issued by the petitioners on 02-02-2017, the Office of the Sub Collector, Vijayawada, *vide* reply bearing Rc.No.B3/3338/2010, dated 14-02-2017, informed the petitioners that they can file an application for arbitration before the Additional Joint Collector, Krishna, as per Section 3-G (5) of the National Highways Act, 1956 (for short 'the Act').

Sub-section (5) of Section 3-G of the Act reads as under:

“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.”

It is evident from the above provision of law that if the petitioners are aggrieved by the quantum of compensation fixed by the competent authority, it is open for them to make an application for enhancement under the aforesaid provision of law.

In view of the same and having regard to the submissions made by the learned Counsel for both parties, this Court deems it appropriate to dispose of the present Writ Petition with liberty to the petitioners to make an application under Section 3-G (5) of the Act for determination of the amount of compensation by the Arbitrator within three weeks from the date of receipt of this order. If such an application is made, the same shall be considered and appropriate action be taken by the respondents in accordance with law as expeditiously as possible.

Subject to the liberty given to the petitioners as above, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(A.V.Sesha Sai, J)

Dt: 10th March, 2017
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