

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

WRIT PETITION No.21305 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 declaring the action of the 2nd and 3rd respondents in not paying the compensation as per the market value to the lands of the petitioner with an extent of Ac.16.05 and Ac.15.05 cents in Sy.No.405 of Pithapuram Town, East Godavari District is illegal, arbitrary and in violation of Article 300-A of the Constitution of India and consequently direct the 2nd and 3rd respondents to enhance the compensation as per the market value to the lands of the petitioner with an extent of Ac. 16.05 and Ac. 15.05 cents in Sy.No.405 of Pithapuram Town, East Godavari District and pass such other order or orders as this Hon'ble Court deemed fit and proper in the circumstances of the case.”

2. Heard learned counsel for the petitioner and also the learned Government Pleader for Land Acquisition for 3rd respondent and Sri S.S.Varma, learned standing counsel for 2nd respondent and perused the prayer in the writ petition with supporting affidavit and the other material on record.

3. As per Section 3 of the Act 48 of 1956, the remedy of the petitioner if at all aggrieved by the compensation awarded by the Land Acquisition Officer is to approach the District Collector, who is an arbitrator under the Arbitration Act, 1996 and if at all further aggrieved under Section 34 of the Act before the District Court, as laid down by this Court in ***Nekkalapudi Ramakrishna Pratap vs District Collector/Arbitrator, West Godavari District, Andhra Pradesh¹***.

4. Accordingly, this writ petition is disposed of, with a direction to the petitioner to approach the District Collector under Section 3 of the Act 48 of 1956, for the District Collector to pass appropriate orders.

5. 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

04.07.2017
SS

¹ 2006 (1) ALD 511