

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.36592 OF 2017

ORDER:

The case of the petitioners is that respondents have issued a notification under Section 3-A of National Highways Act, 1956 (for short "the Act") on 24-09-2009 proposing to acquire an extent of 49874.86 square meters in Rs.Nos 373/8B, 11B etc., including the land of the petitioners in Rs.No.467/3A in an extent of 375 square meters for the purpose of widening National Highway No.9 from 0/0000 Km to 20/65 Kms in Vijayawada-Machilipatnam section. The declaration under Section 3-D was published on 22-09-2010. A notification under Section 3-G was published on 20-01-2011 inviting claims for payment of compensation. Father of petitioner No.3 by name V.Purnachander Rao submitted his claim statement during award enquiry. After award enquiry, respondent No.2 sent a notice of award under Section 3-F (1) of the Act dated 25-02-2016 enclosing a copy of the award notice under Section 3-H(2) of the Act, dated 25-02-2016 informing said Purnachander Rao that an award was passed in his favour in respect of 375 square meters in Sy.No.467/A of Poranki Village vide award No.2/2015, dated 23-06-2015 and directed to attend in the office of respondent No.2 on 08-03-2016 with title documents for payment of compensation. But compensation was not paid to either to her father or the petitioners till date. The petitioners submitted an application under Right to Information Act, 2005 for supply of a copy of the Award No.2/2015. The respondent No.2 furnished a copy of award and on perusal of it, the petitioners came to know that compensation in respect of 375 square meters is kept in joint account of the

respondents 2 and 3. Aggrieved by the action of the respondents in not paying any compensation, the present writ petition is filed.

Heard learned counsel for the petitioners and learned Standing Counsel for respondent No.3.

It is to be seen that in this case father of petitioner No.3 was issued notice under Section 3-H of the Act by respondent No.2 for payment of compensation. But now husband of petitioner No.1 and father of the petitioners 2 and 3 passed away. Since the petitioners have already made representation 08-05-2016 to the competent authority, it is for the competent authority to decide the fact that who are entitled for compensation in terms of Section 3-H (3) of the Act which reads as under:

“ (3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.”

In view of the same, the competent authority is directed to consider the representation made by the petitioners in terms of Section 3-H(3) of the Act and pass orders within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

02-11-2017
Nvl



