

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.43391 OF 2017

ORDER:

The case of the petitioner is that she is the owner of land in Sy.No.38-B3 an extent of Ac.4-90 cents having purchased the same under registered sale deed dated 15-01-2009 from the rightful owner. The 2nd respondent acquired the land to an extent of Ac.0-64 cents for upgradation of National High Way No.67 and passed award fixing the total compensation of Rs.4,28,603/-. On that the petitioner gave representation that the market value as on the date of passing of award is Rs.14,52,000/- per acre as per the valuation certificate dated 12-02-2015 issued by concerned Sub-Registrar, but in the award respondent-authorities have shown Rs.2,50,000/- per acre only and they did not calculate the compensation for the trees removed by them. The petitioner approached the Assistant Director of Horticulture and gave representation for payment of trees. As per market value dated 12-06-2017 given by the Sub-Registrar, the land value of the petitioner estimated at Rs.33,39,600/- and as such, he is entitled for compensation under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. But, the respondents without paying the amount trying to lay the road in the petitioner's land. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner relied on the certificate dated 12-02-2015 issued by Sub-Registrar, Guntakal stating

that value of the land in Sy.No.38/B3 is Rs.14,52,000/- which came into effect on 01-08-2015, whereas, the petitioner has paid only compensation for Ac.0-64 cents in Sy.No.38/B3 at the rate of Rs.2,50,000/- per acre instead of taking market value into account. He also says that that compensation is not paid to the petitioner towards trees.

On the other hand, learned Assistant Government Pleader for Land Acquisition submits that the petitioner has remedy under Section 3-G (5) of National Highways Act, 1956 (for short “ the Act”)

It is to be seen that the petitioner has remedy under Section 3-G (5) of the Act, if compensation is not acceptable to her. In view of the same, it is open for the petitioner to make application under Section 3-G (5) of the Act and competent authority is directed to consider the same and take decision within a period of four weeks from the date of receipt of application.

Accordingly, 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

21-12-2017
Nvl



As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

07-11-2017
Nvl



