

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.41243 OF 2017

O R D E R :

This petition is filed for a writ of *Mandamus* declaring the action of the 2nd respondent in rejecting the claim of the petitioner in Award No.01/2017 in RC No.G/2364/2012, dated 30.09.2017, as illegal and arbitrary and against the Law and Principles laid down in the National Highways Act, 1956 (*for short 'the Act'*) as well as Land Acquisition, Rehabilitation and Resettlement Act, 2013, and for a consequential direction to the respondents to pay the compensation to the petitioner for the land affected in Sy.No.1/2, H.No.9-12 to an extent of 88.26 Sq.Meters at the rate of prevailing market price.

Learned Assistant Government Pleader for Land Acquisition submits that petitioner has only a simple sale deed in respect of the subject land that is why his claim is rejected; and that petitioner has remedy under Section 3G(5) of the National Highways Act, 1956 for enhancement of compensation.

Learned counsel for the petitioner submits that liberty may be granted to the petitioner to file the application under Section 3G(5) of the Act.

Since the petitioner has alternate remedy under Section 3G (5) of the Act, without expressing any opinion on merits, the writ petition is disposed of granting liberty to the petitioner to file application under Section 3G (5) of the Act, and on such application being filed by the petitioner, the Arbitrator is directed to consider the same and pass orders, in accordance with law, within a period of four months from the date of receipt of application.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

Office is directed to issue copy of the order to the District Collector/Arbitrator appointed by the Central Government to consider the application of the petitioner under Section 3 G (5) of the National Highways Act, 1956.

A.RAJASHEKER REDDY, J

08.12.2017

Note: Communicate copy of the order
to the District Collector, Prakasam District.
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