

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6720 OF 2018

ORDER:

Petitioner claims that he is the absolute owner of plot bearing No. 9, in an extent of 166.697 square meters in Survey No. 337/2B in the layout situated at Gangavaram Village and Mandal, Chittoor District towards Palamaner – Madanapalle Main Road, out of which, 145.670 square meters was acquired for formation of Chennai – Bangalore NH4 bypass road at Gangavaram. The 3rd respondent Joint Collector passed an Award dated 19.09.2017, determining the compensation. Dissatisfied with the said compensation amount, the petitioner submitted a Petition on 11.12.2017, to the competent authority, as notified by the Central Government, in terms of Section 3G (5 to 7) of the National Highways Act, 1956 for re-determination of the compensation amount as per G.O.Ms.No. 389, Revenue (LA) Department, dated 20.11.2014 of the Government of Andhra Pradesh. His grievance is that no action has been taken thereon till now. Therefore, the petitioner seeks a *mandamus* to declare the action of the 2nd respondent in not considering the Petition dated 11.12.2017, as illegal and arbitrary and consequently, to set aside the proceedings, dated 19.09.2017 passed by the 3rd respondent.

Heard learned counsel for the petitioner.

Learned Government Pleader for Revenue (Andhra Pradesh), on instructions, submits that on account of the administrative work, no immediate action was taken on the petition dated 11.12.2017 and that now, the respondent authorities are taking necessary steps in terms of Section 3G(5) of the Act.

It is well-settled, by a catena of judgments, that a land-loser is entitled to payment of interest on the compensation amount determined by the competent authority / Court, and if such compensation is re-determined, interest thereon is also payable by treating it as the original compensation. It is to be noted that Section 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 mandates that interest is to be paid @ 15% per annum on the compensation amount which has not been paid before the date of expiry. This Court can take judicial notice of the fact that as on date, the interest payable by the nationalized banks even on the Government securities is not exceeding 9% per annum and with respect to the Fixed Deposit Receipts, it is only between 7% and 8%. Therefore, the inaction on the part of the competent authority in re-determining the compensation amount would result in imposing huge burden on the State's exchequer for, interest is to be paid @ 15% per annum on delayed payment. In other words, the delay in re-determining the compensation on the part of the 2nd respondent competent authority casts additional burden on the State's exchequer.

In those circumstances, the Writ Petition is disposed of with a direction to the 2nd respondent District Collector to take necessary steps forthwith on the Petition dated 11.12.2017 stated to have been submitted by the petitioner for re-determination of the compensation amount, at any rate, within a period of four weeks from the date of receipt of a copy of this order. The 1st respondent is also directed to prescribe necessary guidelines / instructions to the authorities concerned and mandate the

timeframe within which necessary action is required to be taken in all the land acquisition matters, sensitizing the aspect of payment of interest on the differential amount and the loss that is likely to be caused to the State for the delay on the part of the State authorities. The 1st respondent shall ensure that such guidelines are issued by way of a Government Order, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Consequently, miscellaneous Applications, if any shall stand closed. There shall be no order as to costs.

07th March 2018

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CHALLA KODANDA RAM, J