

THE HONOURABLE MR JUSTICE A.V.SESHA SAI

WRIT PETITION No.16430 of 2018

ORDER

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“to issue an appropriate writ, direction or order, more particularly one in the nature of writ of mandamus, declaring that respondent No.1, in tune with Article 21 of the Constitution of India, has a legal obligation to expeditiously dispose of the statutory application of the petitioner dated 26.02.2018, whereby and where-under the petitioner assailed the award bearing No.19/2007-NH216 Sl.No.109, passed by respondent No.2 and sought for enhancement of his compensation from Rs.800/- to Rs.3000/- per square meter in respect of his land acquired admeasuring Ac.0.40 cents in Sy.No.214/2 situate at Maruproluvaripalem Village, Bapatla Mandal, Guntur District, under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Rules thereof and it is further consequentially prayed this Court to direct respondent No.1 to forthwith re-determine the compensation awarded to the petitioner by respondent No.2 and allowing the petitioner, the enhanced compensation and all the statutory benefits, duly following Section 26 and all other relevant provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Rules thereof, by duly considering and disposing of the said representation of the petitioner dated 26.02.2018 forthwith, by giving an opportunity of hearing the petitioner, who can elucidate before respondent No.1 the issue pertaining to the enhancement of his compensation and pass such other order or orders”.

2. When the matter is taken up, it is brought to the notice of this Court that, in fact, questioning the quantum of compensation awarded by the second respondent-Land Acquisition Officer, the petitioner herein approached the first respondent-District Collector/Arbitrator under Section 3-G(5) of the National Highways Act, 1956.

3. It is submitted by the learned counsel appearing for the petitioner that the award passed by the second respondent is in contravention of Section 26 of Act 30 of 2013.

4. Since the application, according to the learned counsel for the petitioner, is pending consideration before the first respondent-District Collector, this Court deems it appropriate to dispose of the writ petition, directing the first respondent-District Collector/Arbitrator to consider the said application for re-determination of the compensation amount awarded by the second respondent, strictly as per the provisions of Section 26 of Act 30 of 2013, as expeditiously as possible, after giving opportunity of hearing to the petitioner.

5. Accordingly, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

1st May, 2018
sj

A.V.SESHA SAI, J