

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.31772 OF 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner complaining non-disposal of his application, dated 02.08.2017, which was submitted on 30.08.2017 to the 2nd respondent – The District Collector, Sri Potti Sriramulu Nellore District, seeking enhancement of compensation.

2. I have heard the submissions of the learned counsel appearing for the petitioner, of the learned Standing Counsel appearing for respondent No.1, and of the learned Government Pleader for Revenue (A.P.), appearing for respondent Nos.2 and 3. I have perused the material record.

3. The facts, which are necessary to be stated as prelude to this order, in brief, are as follows:

Lands of the petitioner admeasuring 461 sq. mtrs in Survey no.282/A/2B, 284 sq. mtrs in Survey no.280/B3, 121 sq. mtrs in Survey no.280/A/2A and 10 sq. mtrs in Survey No.280/B2 of North Rajupalem Village, along with other lands, were acquired by the Central Government for public purpose, that is, for widening of National Highway - 5 from four lane to six lane [from 1307.900 to 1366.547 (Rudrakota – Nellore Section) of NH-5 in Kavali Division in village of North Rajupalem, Kodavaluru Mandal] as per the request given by the General Manager – cum – Project Director, National Highway Authority of India, Nellore. Later, an award was passed and compensation was paid to the petitioner as well as the

other claimants whose properties were acquired for the said purpose. However, some of the claimants have invoked Section 3 G(5) of the National Highways Act, 1956, (for short, “the Act”) and approached the District Collector for enhancement of compensation. In the cases of some of the claimants, compensation was enhanced and they were granted enhanced compensation and the Project Director, National Highway Authority of India, was directed to deposit the funds required for payment to such claimants. Having come to know of the same, the petitioner submitted a representation, dated 02.08.2017, to the 2nd respondent, on 30.08.2017, seeking enhanced compensation as was granted to similarly placed claimants by submitting that he is also entitled to the same amount of compensation under law.

4. Learned counsel for the petitioner also submits that even though the period of limitation prescribed is over, the petitioner is entitled to seek such enhancement of compensation in view of the ratios in the decisions of the Supreme Court.

5. Learned Standing Counsel appearing for the 1st respondent would submit that the petitioner submitted only a representation to the 2nd respondent – the District Collector and that he did not follow the procedure established by law and seek a reference under Section 3 G(5) of the Act for payment of enhanced compensation and that, therefore, the petitioner is not justified in seeking the relief.

6. Learned counsel for the petitioner, in reply, would submit that the petitioner would follow the procedure established by law

and seek enhanced compensation and therefore, the writ petition may be disposed of with appropriate directions.

7. Having regard to the facts and submissions, the Writ Petition is disposed of reserving liberty to the petitioner to file an application invoking Section 3G(5) of the Act before the 2nd respondent – The District Collector, Sri Potti Sriramulu Nellore District, within one week from the date of receipt of a copy of this order for appropriate reliefs, which the law permits. It is needless to mention that on the petitioner filing the necessary application invoking the procedure established by law as undertaken supra, the 2nd respondent/District Collector shall do the needful in the matter in strict accordance with the procedure established by law, however, as expeditiously as possible, and in any event, within two (2) months.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE M.SEETHARAMA MURTI

Date: 05.09.2018

Note:-

Furnish C.C. by 10.09.2018.

B/O
AMD

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AMD