

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.37131 OF 2018

Date:30.10.2018

Between:

Jonnalagadda Venkata Ramana,
S/o. late Ramanadham, aged 51
Years, Occ: Agriculture, R/o. Thallampadu
Village, Khammam Rural Mandal,
Khammam District and another

.. Petitioners

And

The State of Telangana, rep., by its
Principal Secretary, Revenue (LA),
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.37131 OF 2018****ORDER:**

Heard learned counsel for the petitioners, learned Government Pleader for Land Acquisition appearing for respondents 1 to 4 and learned Standing Counsel for National Highways appearing for respondent No.5.

2. Notification under Section 3-A of the National Highways Act, 1956 was issued to acquire land for the purpose of widening/four laning road No.365-BB from Suryapeta to Khammam, published on 12.01.2018. Notification under Section 3-D was issued on 18.06.2018. Petitioners and others filed objections with regard to alignment of proposed road widening/four laning on the ground that the properties belonging to them are valuable agricultural lands and in stead of acquiring their lands, alignment may be changed. In addition to the plea of change of alignment, it appears, petitioners have also filed applications stating that the value of the subject lands is very high and therefore appropriate compensation be paid to them. Thus, the grievance of the petitioners is two fold. One is with reference to alignment and another is with reference to determination of compensation.

3. According to learned Government Pleader for Land Acquisition as well as learned Standing Counsel for National Highways, so far award is not passed and the issue of compensation will be considered during the course of award enquiry.

4. In view of the same, the Court cannot express any opinion, at this stage, regarding determination of amount of compensation payable to the petitioners.

5. Except contending that petitioners have raised plea of determination of appropriate compensation, no plea is raised on the issue decided in the impugned proceedings rejecting the request of petitioners to change the alignment.

6. With regard to rejecting the request of the petitioners, it is stated that change of alignment cannot be considered as it was approved by the Central Government. The issue of alignment is a technical matter to be considered by the competent authorities. Alignment of road depends on contours of the road and the terrain when road widening is taken up. The Court cannot go into the technical aspect as to alignment. Be that as it may, no grounds are urged against the reason assigned by the competent authority in rejecting the request of the petitioners for this Court to undertake judicial review of the said decision and to hold that the decision as not valid in law. By the order impugned, petitioners are also informed that the issue of market value would be considered as per the provisions of the National Highways Act, 1956 r/w the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Thus, the issue of determination of appropriate compensation is already taken care by the competent authority to be considered at appropriate time. The writ Petition merits no consideration.

7. The Writ Petition is accordingly dismissed. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:30.10.2018

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