

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 40189 of 2018

Date : 27.11.2018

Between:

Musiboina Lakshman Rao S/o Purnachandra Rao Aged 40
years occ agriculture r/o D No 4/126 Andhra Bank beside
street Punadipaduv KankipaduM Krishna District

Petitioner

And

Union of India

Rep by its Secretary Central Secretariat New Delhi & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner, learned Assistant Solicitor General for first respondent, learned Government Pleader for respondents 2,3,5 and 6 and Sri S.S. Varma, learned standing counsel for respondent no.4.

2. Petitioner claims to be owner of land to an extent of Ac.0.91 cents in R.S No. 311/1, Punadipadu village, Kankipadu mandal, Krishna district. Said land was acquired for widening of National Highway No.9. The acquisition proceedings though were made in 2008, on 11.12.2017 compensation payable to petitioner was determined. Petitioner is not satisfied with such determination of compensation. According to petitioner, his neighbours secured more compensation than the compensation determined to him. However, as fairly submitted by learned counsel for petitioner, no application was made requesting for reference for enhancement of compensation stating that he is not satisfied with the compensation determined but petitioner made an application under Right to Information Act on 16.8.2018 eliciting information on compensation paid to his neighbours. It appears there is some correspondence between the Revenue authorities on the issue. Alleging that there is inaction in considering the request of the petitioner on enhancement of compensation, this writ petition is filed.

3. The relief prayed for by the petitioner cannot be granted inasmuch petitioner has not made any application to the authorities for determination of higher compensation than the compensation determined by the Arbitrator. Therefore, writ petition is disposed of granting liberty to petitioner to make an appropriate application, if so

entitled, requesting to redetermine the compensation payable under Section 3 (G) of the National Highway Act, 1956 and as and when such an application is made, competent authority shall refer the matter to the Arbitrator for determination of claim of the petitioner for enhancement of compensation. No costs. Miscellaneous petitions, if any pending, are closed.

DATE: 27-11-2018
TVK

P NAVEEN RAO,J



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