

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.43726 OF 2018

DATED :04.12.2018

Between :

G. Venkateshwarlu S/o.Late Guruvaiah,
Aged 37 yrs, R/o.Cherulapalli Revenue Village,
Srikalahasti Mandal, Chittoor District & others.

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Petitioners

And

The Government of India,
Ministry of Road, Transport and Highways,
(Land Acquisition Division),
Rep., by its Secretary, New Delhi & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners, Sri K. Lakshman, Assistant Solicitor General for respondent No.1, Sri S.S.Varma, learned Standing counsel for respondent No.2 and learned Government pleader for revenue for respondents 3 and 4.

2. Petitioners claim to be the owners of land in Sy.Nos.64/1, 64/2B, 64/3A, 64/4B, 66/1A, 66/2A, 66/3A, 67/1C2, 67/1D, 67/2B, 67/4A, 68/2B, 68/6A, 79/2A, 78/6A and 78/8A respectively of Cherlopalli Vyasaya Kandriga Village, Srikalahasti Mandal, Chittoor District. As the said lands are required for widening of national highway, declaration under Section 3 (D) of the National Highways Act (for short 'the Act'), is issued and it is at the stage of determination of compensation and passing of Award. Petitioners contend that at this stage, they are now compelled to give affidavits to pass a consent award without determining the compensation for the acquired lands, trees, structures and borewells. Hence, this writ petition.

3. After Section 3 (D) notification, next stage is issuing notice to determine the amount of compensation payable under Section 3 (G).

4. Since proceedings are already set in motion under the Act, the competent authority has to follow the procedure as required by the Act, including procedure envisaged under Section 3 (G) of the Act. It cannot be said that the competent authority would dispense

with the said procedure and compel the petitioners to agree for consent Award, as sought to be contended. Further if the petitioners are not agreeable for passing a consent Award, there cannot be any compulsion on them to agree for a consent Award. The full gamit of the Act has to be followed. Therefore, it is open to the petitioners to file objections, if they are asked for consent Award and seek for following the procedure as required by Section 3 (G) of the Act.

5. Granting the said liberty, the Writ Petition is disposed of. Pending miscellaneous petitions shall stand closed.

4th December, 2018
Rds

P.NAVEEN RAO,J

