

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.43599 OF 2018

DATED :04.12.2018

Between :

G. Guruswamy S/o.Chinnagangaiah,
Aged 58 yrs, R/o.Cherulapalli Revenue Village,
Srikalahasti Mandal & others.

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Petitioners

And

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

2. Petitioners claim to be the owners of land in Sy.Nos.200/5B, 201/3B, 201/4B, 201/5A, 201/6, 201/7B, 201/8B, 201/11B, 201/12, 201/13A, 211/1B, 211/2B, 211/3B, 211/4A, 211/5A, 211/6A, 212/1B, 209/5, 209/7B2, 208/6 and 208/8B respectively of Cherlopalli 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

