

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 45085 of 2018

Date : 13.12.2018

Between:

Rapeti Sankar Rao Suriseti Sanka Rao S/o Late Jagga Rao
Aged about 60 years Occ Business R/o Pendurthi Village and
Mandal Visakhapatnam District

Petitioner

And

Union of India
rep by its Secretary Ministry of Road Transport and Highways
Sastry Bhavan New Delhi & others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner claims that he purchased land to an extent of 580 sq yards out of 2104 sq yards in Survey No. 120/13, Saripalli village, Pendurthi mandal, Visakapatnam district. The said land was sought for acquisition for the purpose of National Highway Authority. At the stage Section 3-D of the National Highways Act, 1956 enquiry after notification was issued, when petitioner came to know that piece of land which was already purchased by him is also sought for acquisition, he filed objections stating that name of vendor of petitioner cannot be reflected in the acquisition proceedings and that his name shall be reflected. Alleging inaction on the objections filed, this writ petition is filed.

2. Before appreciating the said stand of the petitioner, it is also appropriate to note that in the prayer sought in the writ petition, petitioner seeks declaration of action of the respondent 3 to 5 “making attempts to survey the site of 580 sq yards out of 2104 sq yards in Survey No. 120/13, Saripalli village, Pendurthi mandal covered by Notification S.O.No.3239 dated 19.10.2016 and 1893 dated 13.6.2017 and consequential notification S.O.No. 3162 (E) dated 27.9.2017 of first respondent and ready to pay compensation to respondents 6 and 7”.

3. After declaration is issued by the competent authority under Section 3-D, the next stage is under Section 3-G that is determination of amount payable as compensation. Section 3-G clearly envisages that any person interested in the property can file objections on who is entitled to receive compensation and also the amount of compensation payable. As admitted by learned counsel for petitioner, so far, Section 3-G notification is not issued. As noted above, as per the prayer

sought, petitioner is aggrieved by conducting a survey but petitioner is not challenging the notifications issued referred to above and grievance is only on the alleged payment of compensation.

4. Payment of compensation would arise only after Section 3-G stage is completed. Since, petitioner has an effective and efficacious remedy available to raise objections at the stage of Section 3-G enquiry for determination of compensation, the writ petition is dismissed leaving it open to the petitioner to workout remedies as and when notification under Section 3-G is issued. Miscellaneous petitions, if any pending, are closed.

DATE: 13-12-2018
TVK

P NAVEEN RAO,J



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