

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.8141 of 2019

ORDER:

The petitioners are residents of Chagal Village, Ghanpur (Station) Mandal, Jangaon District, previously Warangal District. The respondents acquired the lands of the petitioners for the purpose of widening/formation of new road leading to Yadagiri-Warangal Section at KM.105.150 to KM.122.200 of NH-202 (old) NH-163 (New) at Chagal Village, Ghanpur (Station) Mandal, Jangaon District, previously Warangal District. Pursuant to the said acquisition, proceedings were initiated under the provisions of the National Highways Act, 1956 and an Award dated 20.03.2018 also came to be passed in terms of Section 3(G) of the National Highways Act, 1956 r/w. Section 30(2) of the First Schedule of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) fixing the market value for the lands acquired at Rs.800/- per square yard, equivalent to Rs.957/- per square meters. Having not satisfied with the said Award and the compensation determined, the petitioners sought reference of the claims for additional compensation by making applications dated 27.06.2018, 18.08.2018, 18.09.2018 and 05.11.2018 to the notified competent authority i.e., the 2nd respondent - District Collector, Jangaon District, and

pursuant thereto, the District Collector, Jangaon District has been appointed as Arbitrator vide proceedings No.NHAI/11013/LA/P10-Warangal, dated 17.04.2017. The grievance of the petitioners is that despite appointment of the District Collector, Jangaon District, as Arbitrator, no proceedings could be conducted till date thereby depriving the petitioners of receiving enhancement of compensation for acquisition of their lands.

Learned counsel for the petitioners submits that though the District Collector, Jangaon District, was appointed as Arbitrator, no proceedings could be conducted till date thereby depriving the petitioners of receiving enhancement of compensation for acquisition of their lands.

On the other hand, the learned Government Pleader for Land Acquisition submits that the authorities are taking appropriate steps for conclusion of the Arbitration proceedings within the stipulated period.

Heard both sides and perused the material on record.

From the above rival submissions, the 2nd respondent shall bear in mind that the delay in concluding the arbitration proceedings and determining the compensation would only lead to putting an extra burden on the State Exchequer, since as per the amended provisions of the National Highways Act,

1956, the compensation would be determined under the provisions and principles of Act No.30 of 2013.

In view of the above, this writ petition is disposed of directing respondent No.2 - District Collector, Jangaon District, to conclude the Arbitration proceedings and decide the claims of the petitioners for enhancement of compensation for acquisition of their lands within a period of eight (8) weeks from the date of receipt of a copy of this order. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE CHALLA KODANDA RAM

17.04.2019.
Msr

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