

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.NO.9298 OF 2017

ORDER

The petitioners, in this writ petition, challenge the award passed by the 5th respondent – Revenue Divisional Officer, vide proceedings in RC No.F/9275/2012 dated 09.05.2016, on the ground of quantum, and further from the counter affidavit filed by the respondent No.3, it could be seen that there is also dispute with regard to apportionment of compensation.

Heard the learned counsel for the petitioners, Sri K.Lakshman, learned Assistant Solicitor General appearing for respondents 2 and 3, Government Pleader for Revenue for respondents 1, 4 and 6 and the learned Government Pleader for Land Acquisition for respondent No.5.

The land of the petitioners has been acquired under the provisions of the National Highways Act, 1956 (for short 'the Act') and the competent authority under Section 3(a) of the said Act, passed the award. Sub-section 5 of Section 3(G) provides that if the amount determined by the competent authority under sub-section (1) or sub-section (2) of the said section, is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government. Further sub-section (4) of Section 3-H of the said Act, provides that if dispute arises as to the apportionment of the amount or any part thereof, or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

Thus the petitioners have alternative remedy under sub-section (5) of Section 3(G) and under sub-section 4 of Section 3-H of the Act. In view of the availability of alternative remedies, writ petition is not maintainable and accordingly the same is dismissed, leaving it open to the petitioners to avail the said remedies available under law.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM,J

DATE:01—05—2019

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