

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.36921 OF 2018

ORDER:

Challenging the award No.B/5108/2015 dated 16.04.2018 made under the National Highways Act, 1956, this writ petition is filed.

2. Grievance of the petitioners is that in the preliminary notification, their name was shown and acquired their land admeasuring Ac.0-11 guntas in Survey No.267/2 situated at Komalla Village, Raghunathapalli Mandalam, Warangal District, presently Janagam District, without issuing any notice to them and also passed the award without granting any compensation / land value to them. Yet another objection of the petitioners is that though notification issued was acquiring land for laying National High Way from the land of the petitioners, contrary to the same, the respondents wanted to construct a toll plaza on the subject property which is impermissible.

3. Counter affidavit is filed by respondent No.5 categorically asserting that the notification was issued in accordance with Section 3G of the National Highways Act, 1956 (for short 'Act') particularly Section 3G(5) of the Act and that notices were issued in the local newspapers, both in English and vernacular languages, inviting claims, and so far as the 2nd petitioner is concerned, he did not file any document before the Land Acquisition Officer to establish his title to the subject property. However, considering the market value data available with the Land Acquisition Officer, award has been

made and the award amount has been deposited with the Land Acquisition Officer subject to the petitioners establishing their title to the property by producing necessary documents, whereupon the amount will be disbursed.

4. Having regard to the facts and circumstances of the case, since there being no denial of assertion of the respondents in the counter affidavit that the petitioners have not approached the Land Acquisition Officer by producing necessary documents in respect of the subject property for claiming compensation and there being no requirement of issuing any personal notice under the Act, objections of the petitioners are unsustainable and, therefore, the award cannot be set at naught. However, the petitioners are entitled to receive compensation subject to establishing their title to the subject property. According to the respondents, compensation amount is lying with the Land Acquisition Officer. In view of the same, the petitioners are at liberty to approach the Land Acquisition Officer by placing necessary documents which the Land Acquisition Officer shall consider and pass appropriate orders as per law within a period of four (4) weeks therefrom. Further, as the petitioners approached this Court under *bona fide* belief, they are entitled to invoke the provisions of Section 3G(5) of the Act by seeking reference to the Collector for consideration of enhancement of the compensation. The Collector shall consider and dispose of such application that may be made by

the petitioners within a period of eight (8) weeks from the date of receipt of the same.

5. With the above directions, the Writ Petition is disposed of.

No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the writ petition stand closed.

CHALLA KODANDA RAM, J

November 11, 2019.

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