

THE HON'BLE THE CHIEF JUSTICE UJJAL BHUYAN
AND
THE HON'BLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT APPEAL Nos.280, 463, 475, 477, 478, 483,
485 of 2022

COMMON JUDGMENT: *(Per the Hon'ble the Chief Justice Ujjal Bhuyan)*

This common judgment will dispose of all the present writ appeals.

2. Heard Mr. T.Koteshwara Prasad, learned counsel for the appellants and Mr. Padma Rao Lakkaraju, learned counsel appearing for the National Highway Authority of India (NHAI).

3. All the writ appeals have been filed by different persons assailing the common judgment and order dated 22.03.2022 passed by the learned Single Judge disposing of W.P.Nos.18201, 18461, 22024, 24151, 24188, 24749, 25482, 26933 and 26938 of 2021 wherein the appellants were writ petitioners in the writ petitions.

4. All the writ petitions were filed assailing the award dated 30.11.2019 passed by the Joint Collector & Competent Authority for Land Acquisition, N.H.363,

Mancherial District contending that the same was passed without following the due procedure as contemplated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (briefly, 'the 2013 Act' hereinafter) as amended by the Telangana Amendment Act, 2016.

5. The writ petitions were contested by the NHAI by contending that the acquisitions were carried out in accordance with law. There was no deviation from the procedure while passing the award.

6. We have heard learned counsel for the parties and perused the materials on record, including the detailed order of the learned Single Judge.

7. Learned Single Judge noted that appellants did not file any title document or revenue record to show that the subject lands are private patta lands or that appellants are having right, title or interest over the same. Except for the structures on the land, no other documents were filed by

the appellants to show that they are owners of the subject land.

8. On the contention of the appellants that NHAI did not follow the due process of law in the course of land acquisition, learned Single Judge perused the counter affidavit filed by NHAI as well as the documents on record and thereafter came to the conclusion that NHAI had scrupulously followed the procedure contemplated under the 2013 Act. Learned Single Judge held as follows:

“Though a specific plea was taken by the petitioners that the respondents have not followed due process of law in the process of land acquisition, a perusal of the counter affidavit filed by NHAI as well as the documents filed along with the said counter shows that the official respondents have scrupulously followed the procedure contemplated under the Act. Initially, the Notification under Section 3-A of the Act was issued on 04.01.2018 and the same was published in the local news papers on 11.01.2018 giving 21 days time for filing objections, if any, by the land owners/interested persons. However, no objections were received from the land owners/interested persons within the time stipulated. Therefore, Notification under Section 3D(1) of the Act was issued and the same was published in Gazette No.711 dated 26.02.2018. Thereafter, the Notification under Section 3(G) of the Act was published in the daily news papers on 10.03.2018 informing all the land owners to attend the enquiry on 16.03.2018 at Tahsil Office, Naspur. The persons, who were found to be in possession of the structures as well as fruit

bearing trees, were awarded compensation for the same. As the subject lands were claimed by the Forest Department, land value was not awarded to the petitioners.

Once it is established by the respondent authorities that the procedure as contemplated under the Act has been followed scrupulously and necessary notifications as contemplated under the Act were issued, the petitioners cannot contend that the provisions of the Act were not followed. Moreover, the record reveals that the notifications and publications were published both in the official Gazette as well as in the local news papers. Therefore, the contention of the petitioners that the procedure was not followed is without substance and contrary to the record. Once, the notification is published, it is for the petitioners to file their objections well within the time stipulated in those notifications, but, they cannot seek any relief to consider their objections after the statutory period had elapsed. The petitioners have not disputed these notifications published in the Gazette or the news papers, moreover, once the Award is passed, the direction of again giving an opportunity to the petitioners to have their objections considered does not arise unless the petitioners are able to show that the statutory procedure was not followed at all, which they have failed to do so.”

9. Thereafter, learned Single Judge noted that the award had already been passed and compensation amount was deposited with the competent authority. Therefore, learned Single Judge declined to grant the relief sought for by the appellants. However, it was observed that if the appellants have any grievance with regard to the quantum of compensation awarded for the structures, they were

given liberty to approach the competent authority under Section 3G(5) of the National Highways Act, 1956, within four weeks. NHAI has been directed to deal with such application in accordance with the National Highways Act, 1956.

10. Regarding prayer for alternative accommodation, learned Single Judge noted that State Government had in principle agreed to provide alternative accommodation and had directed the Collector, Mancherial to furnish necessary proposals for rehabilitation of the 201 affected families, including the appellants, for the purpose of allotting house sites of 80 square yards each. Noticing that the counter affidavit of NHAI was silent in this regard, learned Single Judge directed that in case Collector, Mancherial District, had not complied with such direction, he should submit necessary proposals expeditiously, whereafter Government was directed to pass necessary orders allotting house site pattas to the affected families, including the appellants.

11. Learned counsel for NHAI submits that such alternative accommodation has been provided to the 201

families. Barring appellants No.1 and 2 in W.A.No.280 of 2022, most of the appellants have accepted the alternative accommodation.

12. After thorough verification of the materials on record, learned Single Judge came to the conclusion that NHAI had acquired the subject land as per the procedure contemplated under the National Highways Act, 1956. Land acquisition is for a public purpose, namely, for widening of the road. There should be no hindrance to execution of such work which is of public importance.

13. On due consideration, we do not find any error or infirmity in the views expressed by the learned Single Judge. However, the authorities are directed to release the awarded compensation to the appellants, if not already released. Further, as observed by the learned Single Judge, if the appellants are aggrieved by the quantum of compensation, they can avail their remedy as provided under the law. We extend the time limit for availing such remedy by a further period of four weeks from today. That apart, if any of the appellants have not received alternative

accommodation, Collector, Mancherial District shall do the needful and ensure that they are provided alternative accommodation at the earliest and at any rate within a period of four months from today.

14. Before parting with the record, we may note and direct that in the event any affected person(s) has not received compensation, they may also avail their remedies as provided under the National Highways Act, 1956, instead of filing writ petitions before this Court.

15. All the writ appeals are accordingly disposed of.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

UJJAL BHUYAN, CJ

N.V.SHRAVAN KUMAR, J

08.08.2022
vs