

[3209]

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**MONDAY, THE TWENTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
WRIT PETITION NO: 19703 OF 2023**



Between:

Khubesh Gupta, /o Ras Bihari Gupta, Hindu, aged about 32 years, Occ. Business, R/o D.No. 91, Road No.2 Maruthi Co-Op Colony, Vijayawada, NTR (Krishna) District.

Petitioner

AND

1. Union of India, Ministry of Shipping, Road Transport and Highways, New Delhi Represented by Secretary.
2. The National Highways Authority of India, , G5 and 6, Sector-10, Dwaraka, New Delhi- 110075.
3. THE PROJECT DIRECTOR, Project Implementation Unit (PIU), National Highways Authority of India, Flat No.21, Teachers Colony, Vijayawada, NTR(Krishna) District.
4. The Competent Authority (LA) and The District Collector, Machilipatnam, NTR (Krishna) District.
5. The Competent Authority (LA) and Revenue Divisional Officer, , Nuzvidu, NTR (Krishna) District.

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of Writ of Mandamus declaring the action of the respondents in not paying compensation to the petitioners in respect of their land consisting an extent of 2266 Sq.Mts in RS.No. 160/1, 160/3 and 160/2A situated in Bahubalendruni Gudem village, Gannavaram, Krishna District pursuant to the Award No. 11/2013- 2014/NH16(5) dt. 21-08-2013 and ,Award No.8/2015-2016/NH16(5) dt. 15--10-2015 as arbitrary, illegal and violative of principal of natural justice, and violative of the procedure contemplated under the National Highways Act, 1956 r/w National Highway Laws (amendment) Act, 1997 and rules made under apart from violative of fundamental rights guaranteed under Art. 300-A of the constitution of India and consequently direct the respondents to pay compensation forthwith to the petitioners.

IA NO: 1 OF 2023:

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to dispossess the petitioners from their land in respective of 2266 Sq. Mts situated in Rs.No. 160/1 160/3 and 160/2A of Bahubalendruni Gudem village, Gannavaram Mandal, Krishna District, Pending disposal of WP 19703 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri V SUBRAHMANYAM Advocate for the Petitioner and of HARINATH, N. Deputy Solicitor General for the Respondent No.1 and of SRI S.S.VARMA, Standing Counsel for the Respondent Nos.2 & 3 and of GP FOR Land Acquisition for the Respondent Nos.4 & 5, the Court made the following

ORDER:

"Heard the Learned Counsel for the petitioners. Also heard the Learned Assistant Government Pleader for Land Acquisition and the Learned Standing Counsel for N.H.A.I.,

The grievance of the petitioners in the present Writ Petition is with regard to non-payment of compensation in respect of the land admeasuring an extent of 2266 Sq. Mtrs., in R.S.Nos.160/1, 160/3 & 160/2A situated in Bahubalendruni Gudem Village, Gannavaram, Krishna District though the Awards were passed on 21.8.2013 and 15.10.2015.

The Learned Counsel for the petitioners *inter alia* submits that non-payment of compensation is not tenable in Law. He further submits that though the petitioners approached the concerned authorities and submitted the Representations dated 31.3.2023 and on subsequent dates, so far the compensation has not been released though the same is available with the Land Acquisition authorities.

The Learned Assistant Government Pleader for Land Acquisition, on the other hand, placed a copy of the written instructions dated 3.8.2023 received from the 4th respondent for perusal of this Court and submits that the petitioners have not participated in the Award enquiry and it appears that for the said reason, the compensation has not been paid. Be that as it may. On the basis of the instructions, she further submits that if the petitioners approach the concerned authority with the relevant documents necessary action would be taken by them.

Considering the submissions made by both sides, pending further orders, it is deemed appropriate to pass the following interim order. The petitioners are at liberty to approach the Competent Authority i.e., 4th respondent and submit all the relevant proofs/documentary evidence i.e., Encumbrance Certificates etc., of the subject matter property, along with their details i.e., Aadhar Card, PAN Card etc., and on such submission of the

documents, the 4th respondent shall examine the claim of the petitioners with regard to compensation in respect of the lands-in-question and disburse the same, if they are entitled to the same.

List this case after six (6) weeks."

//TRUE COPY//

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Secretary, Union of India, Ministry of Shipping, Road Transport and Highways, New Delhi.
 2. The National Highways Authority of India, , G5 and 6, Sector-10, Dwaraka, New Delhi- 110075.
 3. The Project Director, Project Implementation Unit (PIU), National Highways Authority of India, Flat No.21, Teachers Colony, Vijayawada, NTR(Krishna) District.
 4. The Competent Authority (LA) and The District Collector, Machilipatnam, NTR (Krishna) District.
 5. The Competent Authority (LA) and Revenue Divisional Officer, , Nuzvidu, , NTR (Krishna) District. **(Addresses 1 to 5 by RPAD)**
 6. One CC to SRI. V SUBRAHMANYAM Advocate [OPUC]
 7. One CC to SRI HARINATH, N. Deputy Solicitor General. [OPUC]
 8. One CC to SRI S.S.VARMA, Standing Counsel. [OPUC]
 9. Two CCs to GP FOR Land Acquisition, High Court of Andhra Pradesh. [OUT]
 10. One spare copy
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HIGH COURT

NJSJ

DATED:21/08/2023

LIST THIS CASE AFTER SIX (6) WEEKS

ORDER

WP.No.19703 of 2023

DIRECTION

