

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.6876 of 2023

Between:-

Abram Pedda Ramayya Yadav Petitioner
And

The National Highway Authority of India,
represented by its Chief General Manager,
New Delhi & 3 others

.... Respondents

Counsel for the Petitioner : Mr.Challa Ajay Kumar

Counsel for the Respondents : Learned Government Pleader
for Land Acquisition

ORDER:

The present Writ Petition is filed to declare the action of the respondents, more particularly, the 3rd respondent in fixing the land value of the petitioner as agricultural lands in Survey No.189B/1A to an extent of Ac.1.07 cents, Survey No.190/2B to an extent of Ac.0.79 cents and Survey No.196/2 to an extent of Ac.0.73 cents situated at Dinnevarapadu Village, Kurnool Rural Mandal, Kurnool District instead of fixing the value of the lands as commercial market value and for a consequential direction to the 2nd respondent to consider the Arbitration Application dated 25.01.2023 for enhancement of compensation on par with the commercial lands and to pass such other orders.

2. Though the Learned Counsel sought to advance arguments with reference to the various contentions raised in the Writ Affidavit, the legal position, which is not in dispute is that in case of enhancement of compensation in respect of lands acquired for the purpose of a National Highway, appropriate Proceedings have to be initiated before the Arbitrator in terms of Section 3G of National Highway Act, 1956. In the present case the petitioner had already invoked the said provision on 25.1.2023. Be that as it may. The grievance is that more than six (6) months have elapsed and so far no action has been initiated by the Arbitrator i.e., the 2nd respondent herein.

3. At the time of considering the matter, the Learned Assistant Government Pleader for Land Acquisition, placed a copy of the written instructions dated 21.04.2023 received from the 2nd respondent, wherein, it is mentioned that the application filed by the petitioner will be examined by giving due opportunity to the petitioner of personal hearing and the Arbitration Application will be disposed of within a short time. However, it appears that so far there is no progress in the matter.

4. Therefore, the Writ Petition is disposed of, with a direction to the 2nd respondent to take necessary action on the petitioner's Arbitration Application dated 31.05.2023 and decide the same, in accordance with Law, after giving due opportunity to the petitioner, as expeditiously as possible, at any rate, within a period of eight (8) weeks from the date of receipt of copy of this order. There shall be no order as to costs. As a sequel, miscellaneous applications, if any, pending shall stand closed.

NINALA JAYASURYA, J

Date: 13.07.2023

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THE HON'BLE SRI JUSTICE NINALA JAYASURYA

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