

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE TWENTY NINTH DAY OF JUNE,
TWO THOUSAND AND TWENTY TWO

:PRESENT:
THE HONOURABLE SRI JUSTICE D RAMESH



IA No. 1 OF 2022
IN
WP NO: 2029 OF 2022

Between:

1. K.Nirmala, W/o Benzemen, Aged about 60 years, Agriculturist, R/o H.No.25-292, Sanjeeva Nagar, Nandyal, Kurnool District.
2. E.Alluraiah, S/o Pedda Alluraiah, Aged about 49 years, Agriculturist, R/o H.No.30-672-A10-C, Bommalasatram, Nandyal, Kurnool District.

...Petitioners

(Petitioner in WP 2029 OF 2022
on the file of High Court)

AND

1. The Union of India, rep. by its Member Secretary, Ministry of Roads, Transport and Highways, New Delhi.
2. The National Highway Authority of India, Rep. by its Project Director, D.No.36/208/140/5, Ganga Vihaar, Reddy Colony, Chinna Chowk, Kadapa. Y.S.R. Kadapa District.
3. The District Collector and Arbitrator, Kurnool, Kurnool District.
4. The Competent Authority and Joint Collector, Collector Complex, Kurnool, Kurnool District.
5. The Regional Officer, N.H.A.I., A.P. Region, Plot No.21, Teachers Colony, Gurunanak Road, Vijayawada, Krishna District.

...Respondents

(Respondents in-do-)

Counsel for the Petitioners :

**SRI BALLA RAVINDRANATH SAVITHRI
DEVI**

Counsel for the Respondent No.1:

SRI HARINATH N (Asst Solicitor General)

Counsel for the Respondent Nos.2 & 5: SRI S.S.VARMA

Counsel for the Respondent Nos.3 & 4: GP FOR REVENUE

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondent No.2 herein to comply with the Section-3H (6) read with Rule-2 of the rules of the National Highways (Manner of Depositing the amount by Competent Authority for Acquisition of land) Rules, 1998 with a direction to deposit the required amount as per award No.2/2019 dt.4.1.2019 to the writ petitioner, pending disposal of WP No.2029 of 2022, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

“Learned counsel for the petitioners submitted that the respondents have not complied with the section-3H(6) read with Rule 2 of the National Highways (Manner of Depositing the amount by the Competent Authority for Acquisition of Land) Rules, 1998 and sought a direction to deposit the required amount as per award No.02/2019 dated 04.01.2019 to the writ petitioners.

Learned Standing Counsel for NHAI, appearing on behalf of the respondents, on instructions submitted that as against the arbitration award

No.02/2019, dated 04.01.2019 the respondent authorities filed an appeal before the competent authority and it is pending for consideration.

Replying to the same, learned counsel for the petitioners submitted that the respondents have filed the appeal with a delay condonation application, which was dismissed by the competent authority, hence, filing an appeal does not arise.

Learned standing counsel further submitted that they have filed restoration application and it is pending.

Learned counsel appearing on behalf of the petitioners further submitted that without going to the merits of the case, as per the rules issued by the National Highways (Manner of Depositing the amount by the Central Government Making Requisite Funds Available to the Competent Authority for Acquisition of Land) Rules, 2019, Rule 3 (b) specifies that – *Where the amount determined by the Arbitrator under sub-section (7) of Section 3G of the Act, is in excess of the amount determined by the competent authority, the excess amount, together with interest, if any, awarded by the Arbitrator, within 30 days of the communication of Arbitrators award. Hence, sought for interim direction.*

Considering the submissions and in view of the above said provision, there shall be a direction to the 2nd respondent to deposit the amount, as per the arbitration Award No.2/2019 dated 04.01.2019 within one month from the date of receipt of copy of the order.”

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Member Secretary, Union of India, Ministry of Roads, Transport and Highways, New Delhi.
2. The Project Director, National Highway Authority of India, D.No.36/208/140/5, Ganga Vihaar, Reddy Colony, Chinna Chowk, Kadapa. Y.S.R. Kadapa District.
3. The District Collector and Arbitrator, Kurnool, Kurnool District.
4. The Competent Authority and Joint Collector, Collector Complex, Kurnool, Kurnool District.
5. The Regional Officer, N.H.A.I., A.P. Region, Plot No.21, Teachers Colony, Gurunanak Road, Vijayawada, Krishna District. (Addressee Nos.1 to 5 by RPAD- along with a copy of petition and affidavit)
6. One CC to Sri. Balla Ravindranath, Advocate [OPUC]
7. One CC to Sri. Harinath.N, Assistant Solicitor General [OPUC]
8. One CC to Sri S.S.Varma, Standing Counsel [OPUC]
9. Two CCs to GP for Revenue, High Court of AP [OUT]
10. One spare copy

MM

HIGH COURT

DRJ

DATED:29/06/2022

ORDER

**IA No. 1 OF 2022
IN
WP NO: 2029 OF 2022**

INTERIM DIRECTION

