



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

* * *

WRIT PETITION No.10583 OF 2020

Between:

1. G.Venkateswarlu, S/o.G.Jannayya
and four others

... Petitioners

AND

1. The State of Andhra Pradesh, represented by its
Principal Secretary, Revenue Department (L&A),
Velagapudi, Amaravati, Guntur District
and three others

... Respondents

Date of order : 30.4.2021

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

1. Whether Reporters of Local Newspapers
may be allowed to see the order : YES / NO
2. Whether the copy of order may be marked
to Law Reporters/Journals : YES / NO
3. Whether His Lordship wish to see the fair
copy of the order? : YES / NO

NINALA JAYASURYA, J



*** THE HON'BLE SRI JUSTICE NINALA JAYASURYA**

+ WRIT PETITION No.10583 OF 2020

% 30.4.2021

Between:

Kondareddi Nagamani, W/o.Late Satyaranayana
and four others

... Petitioners

AND

The State of Andhra Pradesh, represented by its
Principal Secretary, Revenue Department (L&A),
Velagapudi, Amaravati, Guntur District
and three others

... Respondents

! Counsel for the petitioners : Smt. Jyothi Eswar Gogineni
^ Counsel for the R.1 & R.3 : The G.P. for Land Acquisition
Counsel for the R.2 & R.4 : Sri Laxminarayana Alishetty

< Gist:

> Head Note :

? Cases Referred:

1. AIR 2018 Karnataka 39
2. W.P.No.41557 of 2015, dated 31.7.2019
3. (2011) 12 SCC 69
4. (1997) 1 SCC 134
5. 2012 (6) ALD 58
6. (2020) 8 SCC 129

**THE HON'BLE SRI JUSTICE NINALA JAYASURYA****WRIT PETITION No.10583 OF 2020****ORDER:**

The writ petition is filed seeking a writ of mandamus to declare the action of the respondents in passing Award No.1/2019/Ungutur/Toll/N.H.16, dated 15.6.2019 basing on the Notification published vide S.O.No.643E, dated 29.3.2012 as barred by limitation, illegal, arbitrary, unjust and contrary to Sections 24, 25 and 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (hereinafter referred to as, Act 30 of 2013) and for a consequential direction to set aside the same and pass such other orders as may be just and necessary.

2. The brief facts set out in the affidavit of the petitioners giving rise to the present writ petition for better appreciation of their case may be narrated:

The petitioners are absolute owners and possessors of agricultural and non-agricultural lands in different survey numbers in Vellamili Village, West Godavari District. They are cultivating the said lands and are in enjoyment of the same. The lands of the petitioners are situated abutting to National Highway No.5 and very valuable potential agricultural lands. There was a proposal to acquire the lands from the petitioners in the year 2018 for construction of Toll Gate and they made representations to the 3rd respondent not to acquire the lands as it is their only source for cultivation. Thereafter, the respondents have not proceeded with the acquisition and the petitioners thought that



the acquisition proceedings have been stopped. But all of a sudden, some people came to the petitioners' lands along with crane and men, and tried to mark the land by excavating the earth. With great difficulty the petitioners resisted them and rushed to the 3rd respondent. To the petitioners' utter surprise, the 3rd respondent and their officers informed the petitioners that their land has been acquired twice and Awards have been passed on 15.6.2019 and 26.6.2019 vide Award Nos.1 of 2019 and 3 of 2019 respectively. With great difficulty, the petitioners obtained copies of the Awards and from the said awards it emerged that the respondents proposed to acquire the land for the purpose of road widening of N.H.16 (Old N.H.5) from four lane to six lane from K.M. 979.130 to 1022.494 from Gundugolanu to Rajamahendravaram, a Notification under Section 3A of the National Highways Act, 1956 (hereinafter referred to as, N.H. Act) was issued on 29.3.2012 informing that the petitioners' land was included in the proposed acquisition for the road widening of N.H.16. A paper publication was given on 14.3.2013 and market value was determined as per Section 26 of Act 30 of 2013 based on the sales statistics preceding three years from the date of Section 3A Notification i.e., from 15.3.2010 to 15.3.2013.

3. As seen from the Awards, Section 3A Notification was issued in the year 2012 in Vellamili Mandal for 4,128 Sq.Mtrs and for further extent another publication has been issued in the year 2018 for 77 Sq.Mtrs. The petitioners have no knowledge about acquisition of their land and passing of Award until 06.6.2020. The respondents completely ignored the procedure



contemplated under the Act of serving notice, giving opportunity of hearing and calling for objections. The entire proceedings have been conducted behind the back of the petitioners.

4. Heard Smt.Jyothi Eswar, learned counsel for the petitioners, learned Government Pleader for Land Acquisition for respondent Nos.1 and 2, and Mr.Alisetty Lakshminarayana, learned Standing Counsel for National Highways Authority of India (N.H.A.I), for respondent Nos.3 and 4.

5. Learned counsel for the petitioners while reiterating the averments made in the affidavit *inter alia* submits that as seen from the Award, Section 3A Notification under N.H. Act issued on 29.3.2012, paper publication under Section 3A(3) of the said Act was made on 15.3.2013 and Declaration under Section 3D was published on 13.3.2014. She would contend that as per N.H. Act, Section 3 Declaration has to be issued within one (1) year from the date of Section 3A Notification and in the present case as it was made beyond one year from 29.3.2012, the said Notification under Section 3A of the N.H. Act cease to have any effect. She submits that in fact the petitioners are not aware of issuance of the Notification under Section 3A(1) or 3A(3) of the N.H. Act till they managed to get copies of the Awards from the Office of the Competent Authority/ respondent No.3 and as notices were not issued to the petitioners, they lost valuable opportunity to raise their objections under Section 3C of the N.H. Act. She submits that the Award was passed without even complying with the requirements of Section 3A of the Act and that the same was



ante-dated. While stating that all the provisions of Act 30 of 2013 would apply to the determination of compensation, she contends that in the present case, the Declaration under Section 3D was made in the year 2014 and Award was passed in the year 2019 as such the Land Acquisition proceedings are lapsed in terms of Section 25 of Act 30 of 2013. She submits that the issues with regard to the provisions of the Act 30 of 2013 and their applicability to the acquisition of the land under the provisions of the other enactments etc., are pending consideration before a Constitutional Bench of the Hon'ble Supreme Court. She further contends that no objections were called for under Section 3G of the N.H. Act and that the Award is liable to be set aside as null and void, since the provisions of the N.H. Act viz., Sections 3C, 3D and 3G were not strictly followed. Accordingly, she seeks the reliefs as prayed for by the petitioners.

6. The learned counsel for the National Highways Authority of India refuting the contentions of the learned counsel for the petitioners strenuously submits that there is a difference between the Notification issued under Section 3(a) and Section 3A of the N.H. Act, while the former relates to the appointment of the Competent Authority, the later is with reference to Declaration of intention of the Central Government to acquire land. While referring to the relevant portions of the Award, he submits that the Notification dated 29.3.2012 mentioned by the learned counsel for the petitioners was with regard to the appointment of the Competent Authority/3rd respondent and the Notification under Section 3A(1) was issued on 29.3.2012 and published on



14.4.2013. Whereas Declaration under Section 3D was made on 13.4.2014 i.e., within one year from the date of publication of the Notification under Section 3A of the N.H. Act and therefore the contention contra to the effect that the said Notification would cease to have any effect is not tenable. He submits that as stated in the counter affidavit, the provisions of the N.H. Act were strictly complied with as mentioned below:

Sl. No.	Date	Provision of law	Remarks
1.	15.3.2013	3A Notification	Gazette No.623(E) [S.O. No.717(E)]
2.	14.4.2013	3A Publication	Andhra Jyothi and The Hindu
3.	---	3C	No objections received within 21 days.
4.	13.3.2014	3D Declaration	Gazette No.641 [S.O.750(E)]

He submits that notice in compliance with Section 3G enquiry was published on 03.5.2018 in Sakshi & The Hindu Daily Newspapers and enquiry was conducted on 10.5.2018. While specifically referring to the Award, he submits that the 1st, 2nd, 3rd and 5th petitioners participated in the enquiry and thereafter Award No.01/2019 was passed on 15.6.2019, therefore the contentions that the entire acquisition proceedings were conducted without notice and behind the back of the petitioners are not correct and misleading. He submits that after determination of the compensation, the amounts were deposited before the Competent Authority/3rd respondent under Section 3H of the N.H. Act and the land was handed over to the National Highways Authority of India on 18.1.2020.

7. Insofar as contentions with regard to applicability of the provisions of the Act 30 of 2013 and that the land acquisition



proceedings are lapsed in terms of Section 25 of the said Act, while refuting the same as not sustainable, learned counsel submits that the N.H. Act is self-contained Code. Referring to Section 105(1) of Act 30 of 2013, he contends that the provisions of the said Act including Sections 24 and 25 are not applicable to those Acts that are specified in the Fourth Schedule of Act 30 of 2013 which includes the N.H. Act. He, however, submits that by virtue of Section 105(3) of Act 30 of 2013 read with the Notification S.O.2368(E) dated 28.8.2015 (with retrospective effect from 01.1.2014) issued by the Central Government, the compensation and other benefits must be calculated as per Schedules I, II and III of Act 30 of 2013. The learned counsel relied on the judgments of the High Court of Karnataka in **G.C. Thippeswamy vs. Union of India**¹ and **Sri Ogarchand Jain vs. Union of India**² and further submits that by virtue of the interim orders, the National Highway works came to a standstill and seeks to vacate the interim orders granted by this Court. He also places reliance on the judgments of the Hon'ble Supreme Court in **Union of India vs. Kushala Shetty**³, **Ramniklal N. Bhutta vs. State of Maharashtra**⁴ and submits that in view of the present litigation the cost of the project escalated manifold and causing enormous loss to the public exchequer. He, accordingly, seeks dismissal of the writ petition as there is no substance much less merits in the same.

¹ AIR 2018 Karnataka 39

² W.P.No.41557 of 2015, dated 31.7.2019

³ (2011) 12 SCC 69

⁴ (1997) 1 SCC 134



8. The learned Government Pleader while supporting the contentions advanced on behalf of the N.H.A.I., submits that the 3rd respondent had followed the provisions of the N.H. Act and his actions cannot be found fault with. He submits that having participated in the Award enquiry, it is not open to the petitioners to challenge the same and their grievances, if any, with regard to determination of compensation have to be agitated before the concerned Authority/Arbitrator and the writ petition is liable to be dismissed.

9. In reply, the learned counsel for the petitioners while reiterating the contentions with regard to lapse of land acquisition proceedings etc., submits that determination of compensation without complying with Section 3C of the N.H. Act and hearing the objections of the petitioners is null and void. She submits that non-compliance with the provisions of the N.H. Act is fatal as held by a Hon'ble Division Bench in **Bhimavarapu Giridhar Kumar Reddy vs. Union of India**⁵ and the Award consequent to the illegal proceedings under the N.H. Act is liable to be set aside. She further submits that as per Section 25 of the Act 30 of 2013, maximum two (2) years period has been fixed for passing the award from the date of publication of Declaration and in the present case, the respondents slept over the matter and award was passed after six (6) years that too by taking value of the land prior to 2010-12 and therefore the award is liable to be set aside on that score also.

⁵ 2012 (6) ALD 58



10. On thorough examination of the rival contentions, the following points emerge for consideration:

- (1) Whether the Notification under Section 3A of the N.H. Act ceases to have any effect as Section 3D Declaration was not issued within one year from the date of the said Notification?
- (2) Whether the Award was lapsed by virtue of application of Section 25 of Act 30 of 2013 to the acquisition proceedings under the N.H. Act?
- (3) Whether the Award is null and void due to non-compliance with the provisions of the N.H. Act and on the ground that the proceedings were conducted behind the back of the petitioners?
- (4) To what relief?

11. At the outset, it may be pertinent to note that it is the specific case of the petitioners that they came to know about the proceedings initiated by the respondents under the provisions of the N.H. Act only after the Award was obtained in the month of June, 2020. No challenge is made with regard to the validity of the Notification under Section 3A of the N.H. Act, except contending that the same shall cease to have any effect in terms of Section 3D(3) of the N.H. Act. Further, no specific ground has been raised with reference to denial of opportunity under Section 3C of the N.H. Act, except making a feeble attempt during the course of arguments. No reply affidavit has been filed traversing the specific assertions made in the counter affidavits filed on behalf of the respondents. Be that as it may, as the arguments of the learned counsel for the petitioners centered around Section 3D(3) of the N.H. Act, Section 25 of the Act 30 of 2013 and the



validity of the Award, this Court deems it appropriate to deal with the same, treating the Notification under Section 3A of the N.H. Act as valid.

Point No.1:

12. To appreciate the contentions raised by the learned counsel on either side, it would be apposite to refer to the relevant provisions of the N.H. Act, which read as follows:

Section 3.

- (a) “**competent authority**” means any person or authority authorised by the Central Government, by notification in the Official Gazette, to perform the functions of the competent authority for such area as may be specified in the notification;
- (b) “**land**” includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth.

3A. Power to acquire land, etc.—

- (1) Where the Central Government is satisfied that for a public purpose any land is required for the building, maintenance, management or operation of a national highway or part thereof, it may, by notification in the Official Gazette, declare its intention to acquire such land.
- (2) Every notification under sub-section (1) shall give a brief description of the land.
- (3) The competent authority shall cause the substance of the notification to be published in two local newspapers, one of which will be in a vernacular language.

3B. Power to enter for survey, etc.—

- On the issue of a notification under sub-section (1) of section 3A, it shall be lawful for any person, authorised by the Central Government in this behalf, to—
- (a) make any inspection, survey, measurement, valuation or enquiry;
- (b) take levels;



- (c) dig or bore into sub-soil; (d) set out boundaries and intended lines of work;
- (e) mark such levels, boundaries and lines placing marks and cutting trenches; or
- (f) do such other acts or things as may be laid down by rules made in this behalf by that Government.

3C. Hearing of objections.—

(1) Any person interested in the land may, within twenty-one days from the date of publication of the notification under sub-section (1) of section 3A, object to the use of the land for the purpose or purposes mentioned in that sub-section.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

Explanation.—For the purposes of this sub-section, “legal practitioner” has the same meaning as in clause (i) of sub-section (1) of section 2 of the Advocates Act, 1961 (25 of 1961).

(3) Any order made by the competent authority under sub-section (2) shall be final.

3D. Declaration of acquisition.—

(1) Where no objection under sub-section (1) of section 3C has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objection under subsection (2) of that section, the competent authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report, the Central Government shall declare, by notification in the Official Gazette, that the land should be acquired for the purpose or purposes mentioned in sub-section (1) of section 3A.



(2) On the publication of the declaration under sub-section (1), the land shall vest absolutely in the Central Government free from all encumbrances.

(3) Where in respect of any land, a notification has been published under sub-section (1) of section 3A for its acquisition but no declaration under sub-section (1) has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect:

Provided that in computing the said period of one year, the period or periods during which any action or proceedings to be taken in pursuance of the notification issued under sub-section (1) of section 3A is stayed by an order of a court shall be excluded.

13. A reading of Section 3D(3) of the N.H. Act extracted above would make it amply clear that a Declaration under Section 3D(1) of the said Act is required to be published within a period of one year from the date of publication of Notification under Section 3A(1) of the N.H. Act, else the Notification shall cease to have any effect. Basing on the above provision of law, the learned counsel for the petitioners raised a contention that as the Declaration under Section 3D was published on 13.3.2014 beyond one year from the date of publication of Notification on 29.3.2012, the same shall cease to have any effect. Though a copy of the said Notification dated 29.3.2012 is not readily available on record, from the material filed by the petitioners viz., Award No.2/2019, dated 15.6.2019, it is evident that the said Notification dated 29.3.2012 relates to the conferment of powers on the Revenue Divisional Officer, Eluru to perform the functions of the Competent Authority of Land Acquisition (CALA) in terms of Section 3(a) of the N.H. Act, which is quite distinct from the



Notification under Section 3A of the N.H. Act. As pointed out by the learned counsel for the N.H.A.I., and as seen from the material, the Notification under Section 3A of the N.H. Act was issued on 15.3.2013 published in the Newspapers on 14.4.2013 and Section 3D Declaration was published on 13.3.2014 i.e., within the stipulated period of one year as envisaged under Section 3D(3) of the N.H. Act. Therefore, the contention that the Notification under Section 3A shall cease to have any effect by referring to Notification under Section 3(a) of the N.H. Act is legally unsustainable and liable to be rejected. Point No.1 is answered accordingly against the petitioners.

Point No.2:

14. Section 25 of Act 30 of 2013 which according to the learned counsel for the petitioners is applicable to the acquisition of land under the provisions of the N.H. Act contemplates making of an award within a period of twelve (12) months from the date of publication under Section 19 and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse. Proviso to the said Section empowers the Central Government to extend the period of twelve months, if in its opinion, circumstances exist justifying the same. In the present case, the learned counsel for the petitioners contends that as admittedly the award was passed beyond the period of time stipulated under Section 25 of the Act 30 of 2013, the same is lapsed. In this regard, it is appropriate to refer to Section 105 of Act 30 of 2013 on which strong reliance was placed by the counsel for N.H.A.I. Section 105 of Act 30 of 2013 reads thus:



105. Provisions of this Act not to apply in certain cases or to apply with certain modifications.–

(1) Subject to sub-section (3), the provisions of this Act shall not apply to the enactments relating to land acquisition specified in the Fourth Schedule.

(2) Subject to sub-section (2) of section 106, the Central Government may, by notification, omit or add to any of the enactments specified in the Fourth Schedule.

(3) The Central Government shall, by notification, within one year from the date of commencement of this Act, direct that any of the provisions of this Act relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land acquisition under the enactments specified in the Fourth Schedule or shall apply with such exceptions or modifications that do not reduce the compensation or dilute the provisions of this Act relating to compensation or rehabilitation and resettlement as may be specified in the notification, as the case may be.

(4) A copy of every notification proposed to be issued under sub-section (3), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses of Parliament.

15. It is discernible from the above extracted provisions of law that subject to sub-section (3) of Section 105, the provisions of Act 30 of 2013, shall not apply to the enactments relating to land acquisition specified in the Fourth Schedule of Act 30 of 2013.



Further, as seen from S.O.2368(E), dated 28.8.2015, the Central Government in exercise of its powers under Section 105(3) read with Section 113 of the Act 30 of 2013 issued the Notification, the relevant portion of which reads as follows:

1. (1) This Order may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Removal of Difficulties) Order, 2015.

(2) It shall come into force with effect from the 1st day of September, 2015.

2. The provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, relating to the determination of compensation in accordance with the First Schedule, rehabilitation and resettlement in accordance with the Second Schedule and infrastructure amenities in accordance with the Third Schedule shall apply to all cases of land acquisition under the enactments specified in the Fourth Scheduled to the said Act.

16. Thus, by virtue of the said Notification, the provisions of Act 30 of 2013 relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, which are beneficial to the affected families alone are made applicable to the cases of land acquisition under the enactments specified in the Fourth Schedule. Therefore, in view of the factual and legal position, this Court is of the considered opinion that Section 25 of the Act 30 of 2013 has no application to the lands acquired under the provisions of the N.H. Act. Hence, the contentions advanced by the learned counsel for the petitioners regarding applicability of Section 25 of Act 30 of 2013 to the acquisition of land under



the N.H. Act and that the acquisition proceedings are lapsed and the Award is liable to be declared as null and void as the same was passed beyond the time prescribed under the said Section/ beyond limitation cannot be accepted.

17. Similar contentions to the effect that the acquisition proceedings are lapsed since no Award has been passed within twelve (12) months in terms of Section 25 of Act 30 of 2013 were considered by a learned Judge of the High Court of Karnataka in **G.C.Thippeswamy**, followed in the case of **Ogarchand Jain** referred to supra. The learned Single Judge while dealing with the provisions of the Act 30 of 2013, N.H. Act vis-à-vis Notification of the Central Government dated 28.8.2015 mentioned above, at paragraph Nos.23 and 26 of the Judgment in **G.C.Thippeswamy** case held as follows:

23. This Court does not find any force in the contentions raised by the Learned Counsel for the petitioners that the procedural aspects for undertaking the land acquisition proceedings as provided under the **New L.A. Act of 2013** also will apply to the acquisition under the provisions of National Highways Act, 1956. The position of law is on the contrary. Section 105 of the **New L.A. Act of 2013** excludes the applicability of the **New L.A. Act of 2013** to the acquisitions under the special enactments enumerated in the Fourth Schedule to the Act which includes National Highways Act, 1956. Only to the extent of providing relief by way of uniform compensation, the Central Government has extended being empowered under Section 105(3) of the **New L.A. Act of 2013**, the provisions relating to compensation even to the acquisitions under these Special Enactments including the acquisitions under National Highways Act, 1956.

26. The provisions of the **New L.A. Act of 2013** do not override or render the provisions of the National Highways



Act, 1956 otiose. On the contrary, they are harmonious and complimentary to each other with specified area of connectivity like the provisions relating to compensation under the **New L.A. Act of 2013** applying to National Highways Act, 1956 by virtue of delegated power given to the Central Government under Section 105(3) of the **New L.A. Act of 2013**.

18. In view of the above well-considered legal position, this Court is in complete agreement with the submissions made by the learned counsel for the N.H.A.I., and accordingly hold that Section 25 of Act 30 of 2013 is not applicable to the acquisition of land under the provisions of the N.H. Act.

19. Though the learned counsel for the petitioners made a submission to the effect that the issue with regard to applicability of the provisions of Act 30 of 2013 to the acquisition of land under the N.H. Act was pending consideration before the Hon'ble Supreme Court, no orders granted as an interim measure have been filed. Further, the learned counsel for the N.H.A.I., submits that the possession was already taken over as stated in the counter affidavit to which no rejoinder is filed and contentions with regard to lapsing of award etc., in view of the judgment of the Hon'ble Supreme Court in **Indore Development Authority vs. Manoharlal**⁶ deserve no consideration.

20. Be that as it may, in view of the specific statutory provisions under Act 30 of 2013 and the Notification issued by the Central Government in exercise of the same conferring the benefit only to the extent of determination of compensation in

⁶ (2020) 8 SCC 129



accordance with the First, Second and Third Schedules of Act 30 of 2013 even in respect of cases of acquisition of land under the enactments listed in the Fourth Schedule to the said Act, the question of lapsing of the Award by application of Section 25 of the Act 30 of 2013 does not arise at all. Therefore, the contentions of the petitioners in this regard merits no consideration and are hereby rejected. Point No.2 is answered accordingly against the petitioners.

Point No.3:

21. One of the submissions attempted by the learned counsel for the petitioners is that the Award is liable to be set aside on the ground of non-compliance with the statutory provisions of the N.H. Act. Further, the proceedings were conducted behind the back of the petitioners. As observed earlier, except a pleading to the effect that they came to know about the proceedings initiated under the N.H. Act on obtaining a copy of the Award, there was no denial by the petitioners about the issuance of the Notification under Section 3A in accordance with the statutory provisions of the N.H. Act nor challenge to the consequential Declaration under Section 3D on the ground that no opportunity was afforded to file objections under Section 3C of the N.H. Act. Therefore, it cannot be treated as a case of denial of opportunity or deprivation of right to file objections/hearing under Section 3C of the N.H. Act. It was also pleaded that the Award was passed without giving opportunity to the petitioners under Section 3G and that the same is unsustainable. However, as pointed out by the learned counsel for the respondents, a perusal of the Award No.2/2019



would clearly reveal the participation of the petitioners in the enquiry proceedings under Section 3G of the N.H. Act. The material on record belies the plea of the petitioners and non-disclosure of this crucial fact is not only misleading, but also constitutes suppression of material facts, disentitles them from securing the relief sought for and the writ petition is liable to be dismissed on this ground alone. Though the learned counsel for the petitioners sought to place reliance on the judgment of the Hon'ble Division Bench in **Bhimavarapu Giridhar Kumar Reddy** case referred to supra, the same is not applicable in view of the above stated facts.

22. The other miscellaneous submissions to the effect that passing of award with a delay of six years etc., would render the Award invalid and land acquisition proceedings lapsed, in the absence of a specific provision dealing with the time limit under the N.H. Act, which is a special enactment with self-contained Code, cannot but be rejected. Further, the grievances of the petitioners with regard to determination of compensation cannot be a ground for interference with the Award by this Court and the same can be agitated before the Arbitrator as provided under Section 3G(5) of the N.H. Act. Therefore, the contentions advanced with reference to the sustainability of the Award are not tenable. Hence, the same are rejected. Point No.3 is answered accordingly against the petitioners.

**Point No.4:**

23. For the foregoing reasons and conclusions arrived at with reference to Point Nos.1 to 3, the petitioners are not entitled to any relief in the writ petition, much less continuation of the interim orders as no case is made out either on factual or legal aspects. Accordingly, the interim order shall stand vacated. There is no statutory violation/non-compliance with the provisions of the N.H. Act nor the Award is hit by application of Section 25 of the Act 30 of 2013. This Court finds no circumstances warranting exercise of extraordinary jurisdiction under Article 226 of the Constitution of India.

24. Accordingly, the writ petition is dismissed. No order as to costs. As a sequel, I.A. No.1 of 2020 shall stand dismissed and I.A.Nos.1 and 2 of 2021 shall stand allowed.

April 30, 2021.

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NINALA JAYASURYA, J