



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3330]

**TUESDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

**PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

WRIT PETITION No.23576 of 2023

Between:

- 1.K SUNEETHA, W/O. A.V. MUNIRAJ, AGED 45 YEARS, R/O. D.NO. 10-127, PRASANTH NAGAR, PALAMANERU, PALAMANERU MANDAL, CHITTOOR DISTRICT
- 2.G. SRIVIDYA,, W/O. G. VENKATA RAO, AGED 46 YEARS, R/O. D.NO. 25-195/1, KAKATHOPU, PALAMANERU, PALAMANERU MANDAL, CHITTOOR DISTRICT
- 3.J. SAILAJA,, W/O. J. SRINIVASA RAO, AGED 44 YEARS, R/O. D.NO. 16-8-521, YENNAM VAN STREET, OLD GUNTUR, GUNTUR, GUNTUR DISTRICT.
- 4.N. RADHA,, W/O. N.CHENNA REDDY, AGED 47 YEARS, R/O. D.NO. 20-50-S2-679/3F, J.S.K. APARTMENTS, OPP. D.B.R. HOSPITAL, MARUTI NAGAR,TIRUPATI, TIRUPATI DISTRICT.
- 5.M.SHAHANAZ BEGAM, , W/O. M.ABDUL REHMAN, AGED 57 YEARS, R/O. D.NO. 11-417/1, R.K.STREET, NEAR GOVT. HOMEO HOSPITAL, PALAMANERU, PALAMANERU MANDAL, CHITTOOR DISTRICT.
- 6.P. SURENDRA REDDY,, S/O. RAJAMANI REDDY, AGED 67 YEARS, R/O. D.NO. 1-126, MADIREDDYPALLE, YADAMARRI, MADANAPALLE, ANNAMAYYA DISTRICT.

...PETITIONER(S)

AND

- 1.THE NATIONAL HIGHWAY AUTHORITY OF INDIA, REP. BY ITS CHIEF GENERAL MANAGER, G-5 AND 6, SECTOR - 10, DWARAKA, NEW DELHI.
- 2.THE DISTRICT COLLECTOR, CHITTOOR,CHITTOOR DISTRICT
- 3.THE COMPETENT AUTHORITY JOINT COLLECTOR, NATIONAL HIGHWAY AUTHORITY OF INDIA, CHITTOOR DISTRICT,CHITTOOR

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any writ, order or direction, preferably a writ in the nature of Mandamus declaring the action of respondents in not paying the enhanced compensation together with interest as per the orders dated 27.08.2020 and 31.10.2020 passed by the 2nd respondent as illegal, arbitrary and violative of articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents to forthwith pay the enhanced compensation together with interest as per the orders dated 27.08.2020 and 31.10.2020 passed by the 2nd respondent.

Counsel for the Petitioner(S):

1.V VINOD K REDDY

Counsel for the Respondent(S):

- 1.CHAUDHARY AND CHAUDHARY ADVOCATES AND
SOLICITORS LAW FIRM
- 2.GP FOR REVENUE

The Court made the following:

ORDER:

The present Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

".....to issue any writ, order or direction, preferably a writ in the nature of Mandamus declaring the action of respondents in not paying the enhanced compensation together with interest as per the orders dated 27.08.2020 and 31.10.2020 passed by the 2nd respondent as illegal, arbitrary and violative of articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents to forthwith pay the enhanced compensation together with interest as per the orders dated 27.08.2020 and 31.10.2020 passed by the 2nd respondent and pass such other orders....."

2. The petitioners herein filed an application under Section 3G(5) of the National Highways Act, 1956 (for short, hereinafter called as 'the NH Act'). It is the contention of the petitioners 1 and 2 that they are the absolute owners of plot Nos.2 and 4 in Sy.No.637/3B of an extent of 209.950 square metres and 5.180 square metres respectively, situated in Gaogavaram Revenue Village and Mandal, Chittoor District and they have purchased the said plots from one M.Asgar Ali under a registered sale deed dated 09.03.2011 and the vendor of the land has converted the agricultural land into non-agricultural purpose of paying requisite charges under Section 3(6) of the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006, and the CALA has awarded Rs.5,307/- to the 2nd petitioner's land and Rs.2,15,086/- to the 1st petitioner's land.

3. Dissatisfied with the award of compensation, the petitioners 1 and 2 herein filed an application under Section 3G(5) of the NH Act and the Arbitrator has enhanced the compensation from Rs.5,307/- to

Rs.20,801/- to the 2nd petitioner's land and from Rs.2,15,086/- to Rs.8,43,132/- to the 1st petitioner's land, vide award dated 27.08.2020. Despite lapse of three years, the respondents have not paid the compensation as awarded by the Arbitrator. Hence, the present Writ Petition is filed.

4. The petitioners 3 to 6 also filed a similar application under Section 3G(5) of the NH Act and the Arbitrator has enhanced the compensation under Section 3G(5) of the NH Act. Pending consideration of the Writ Petition, the respondents have paid the amount to the petitioners 3 to 6. Hence, the Writ Petition against the petitioners 3 to 6 is dismissed, as the respondent-authorities have complied the award dated 27.08.2020. Hence, the present Writ Petition is filed only by the petitioners 1 and 2.

5. It is the contention of the petitioners that the respondent-authorities have paid the compensation in respect of the petitioners 3 to 6, but the respondents have not paid the compensation as enhanced by the Arbitrator to the petitioners 1 and 2. Therefore, learned counsel appearing for the petitioners would submit that the action of the respondents is illegal and arbitrary and violative of Article 300A of the Constitution of India and consequently prayed to direct the respondent-authorities to pay compensation as awarded by the Arbitrator vide award dated 27.08.2020.

6. Sri Mocherla Deepak Bhargavaram, learned counsel representing for 1st respondent-NHAI, would submit that they have preferred an appeal under Section 34 of the Arbitration and Conciliation Act, 1996, as such, the respondent-authorities have not paid the enhanced compensation.

7. Learned counsel appearing for the petitioners would submit that the 1st respondent has preferred the appeal with a delay against the 1st petitioner only and no appeal has been preferred by the 1st respondent against the 2nd petitioner herein and there is no stay granted and the 1st respondent has not obtained any interim order and mere pendency of an appeal is not a ground to deny compensation, as enhanced by the Arbitrator under Section 3G(5) of the NH Act. Hence, prayed to direct the respondent-authorities to pay compensation as per the award dated 27.08.2020 passed by the Arbitrator.

8. The Hon'ble Apex Court in the case of ***Modern Food Industries (India) Ltd., Vs. Sachidanand Dass and another*** reported in 1995 Supp (4) Supreme Court Cases 465, held that a mere filing of an appeal in an application for stay do not by themselves absolve the appellants from obeying the order under appeal.

9. As rightly argued by the learned counsel for the petitioners mere pendency of the Arbitration Appeal is not a ground for denying the payment of compensation as enhanced by the Arbitrator under Section 3G(5) of the NH Act. The respondent-authorities have paid the compensation in respect of the other petitioners 3 to 6 and not paying the enhanced compensation to the petitioners 1 and 2 would amount to discrimination against the petitioners 1 and 2.

10. Therefore, the present Writ Petition is disposed of directing the 1st respondent to pay the enhanced compensation to the petitioners 1 and 2 as per the award dated 27.08.2020 within a period of three (3) months from the date of receipt of a copy of this order. If the respondents failed to deposit the amount as stipulated by this Court, the petitioners 1 and 2

are entitled to additional interest @ 6% per annum from the date of order till the date of realization. The petitioners 1 and 2 are entitled to all the benefits as per the Act. There shall be no order as to costs.

As a sequel thereto, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 10.02.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.23576 of 2023

Date: 10.02.2026

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