IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT PETITION No.28075 of 2026

BETWEEN:

1. KURRA KRISHNA MURTHY, S/O. SATTIRAJU, AGED 60 YEARS, OCC. CULTIVATION, R/O. H.NO.2-65, GANGANAPALLI VILLAGE, KAKINADA RURAL MANDAL, KAKINADA DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY REVENUE DEPARTMENT SECRETARIAT AMRAVATI GUNTURU DISTRICT 522237 AND OTHERS

...RESPONDENT(S)

DATE OF ORDER PRONOUNCED : **27.10.2026**

SUBMITTED FOR APPROVAL:

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

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

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JUSTICE SUBBA REDDY SATTI

*** HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

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...RESPONDENT(S)

! Counsel for Petitioner **:** Sri D.Seshasayana Reddy

^ Counsel for Respondent **:** GP for Revenue
GP for Land Acquisition

< Gist:

> Head Note:

? Cases referred:

1) WP No. 19992 of 2019 dated 17.09.2025.
2) WP No. 13670 of 2021 dated 21.04.2022
3) Writ Appeal No. 226 of 2015 dated 30.03.2015
4) (2019) 9 SCC 304
5) 2025 SCC OnLine SC 235
6) 2020 SCC OnLine All 2132

This Court made the following:

Date of reserved for orders: 13.10.2026
Date of pronouncement : 27.10.2026
Date of uploading : 27.10.2026

APHC010512242026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3331]**
(Special Original Jurisdiction)

TUESDAY, THE 27th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 28075/2026

Between:

1. KURRA KRISHNA MURTHY, S/O. SATTIRAJU, AGED 60 YEARS, OCC. CULTIVATION, R/O. H.NO.2-65, GANGANAPALLI VILLAGE, KAKINADA RURAL MANDAL, KAKINADA DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY REVENUE DEPARTMENT SECRETARIAT AMRAVATI GUNTURU DISTRICT 522237
2. THE DISTRICT COLLECTOR, KAKINADA, KAKINADA DISTRICT 533001
3. THE JOINT COLLECTOR, KAKINADA, KAKINADA DISTRICT 533001
4. THE TAHSILDAR, KAKINADA RURAL MANDAL, KAKINADA DISTRICT 533001
5. THE COMPETENT AUTHORITY FOR LAND ACQUISITION NH216 AND ADDITIONAL JOINT COLLECTOR, KAKINADA, KAKINADA DISTRICT 533001.

6. THE PROJECT DIRECTOR/ PROJECT IMPLEMENTATION UNIT, MORTH, MACHILIPATNAM, VIJAYAWADA-520010

...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 toissue a Writ of Mandamus declaring the action of the respondents in awarding meager compensation for my land admeasuring Ac 0.10 cents in Sy No 13/9B, Ac. 0.17 cents in S.No.15/10G and Ac. 0.26 cents in S.No.18/3A of Ganganapalli Village, Kakinada Rural Mandal East Godhavari District Now Kakinada District vide award No. 27/2016/NH216 dt 31-03-2016 though the land were situated in an approved lay out the fixed market value of the said land is about Rs 4,500/- per Sq.yards and also not paying the interest from the date of the award to till the date of deposit of the amount and to reject the my application for enhancement of compensation vide impugned Ref. I.6/PGRS/358/2026, dated 18-05-2026 of the 6th Respondent as illegal, arbitrary, against principles of natural justice and set aside the same and consequently direct the Respondents to enhance the compensation of Rs. 4,500/- per Sq.yards together interest in the interest of justice

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased direct the respondents to enhance the compensation of Rs 4,500/- per Sq. yards with interest to the petitioner land admeasuring Ac 0.10 cents in Sy No 13/9B, Ac. 0.17 cents in S.No.15/10G and Ac. 0.26 cents in S.No.18/3A of Ganganapalli Village, Kakinada Rural Mandal East Godhavari District Now Kakinada District vide award No27/2016/NH216 dt 31-03-2016 in the interest of justice

Counsel for the Petitioner:

1. D SESHASAYANA REDDY

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. GP FOR LAND ACQUISITION

The Court made the following:

ORDER

Assailing the endorsement dated 18.05.2026, Exhibit P1 issued by the third respondent, the above writ petition was filed.

2. The petitioner's property to an extent of Ac.0.17 cents in Survey No.15/10G; Ac.0.26 cents in Survey No.18-3A, and Ac.0.10 cents in Survey No.13-9B, Ganganapalle village, fell in the NH-216 alignment. There is no dispute regarding the notification issued under the provisions of the National Highways Act, 1956, and an award was passed by the third respondent. The third respondent, the Competent Authority, Land Acquisition for NH-216 and Additional Joint Collector, Kakinada, passed Award No.27/2016/NH-216 dated 31.03.2016 for an extent of Ac. 21.23 cents in Survey No.15/5A of Gangadhar Village, Kakinada Rural Mandal. The Authority determined the compensation in two categories (1) Agricultural Lands and (2) House sites. For agricultural lands, the Authority determined the compensation at ₹20,73,529 per acre. For house sites, the Authority determined the compensation at ₹4,500 per square yard.

3. Some of the landowners whose lands were acquired along with the petitioner made an application under Section 3-G(5) of the National Highways Act, 1956, seeking enhancement of compensation to the Arbitrator and the District Collector, Kakinada District, Kakinada, the second respondent. By proceedings dated 21.04.2026 (Exhibit P8), the second respondent enhanced the compensation, treating the land as non-agricultural and valuing it at ₹4,500/- per square yard. Thereafter, the petitioner made a complaint in

PGRS seeking enhancement on par with other landowners. The third respondent, by endorsement in Exhibit P1, informed the petitioner that the petitioner could not make an application within the prescribed time and hence is not entitled to compensation on par with the award Ex P.8 passed by the Arbitral Tribunal.

4. Heard Sri Seshasayana Reddy, learned counsel for the petitioner, and Ms Anusha, learned Assistant Government Pleader for Land Acquisition for the respondents.

5. Learned counsel for the petitioner contended that the petitioner was not served with a copy of the award and, therefore, could not make the application at the earliest opportunity. He would further contend that Article 137 of the Limitation Act does not apply to arbitral proceedings. Learned counsel relied upon the judgment of a learned Single Judge of the Madras High Court in **Ramchandran Vs. The District Collector-cum-Arbitrator, Villipuram District[1].**

6. Ms. Anusha, learned Assistant Government for Land Acquisition, fairly assisted the Court and placed a judgment of the Division Bench of Madhya Pradesh High Court at Jabalpur in **Ganshyam Gupta Vs. The State of Madhya Pradesh through Commissioner-cum-Arbitrator[2],** and contends that the issue relating to the application of Article 137 is pending before the Apex Court.

7. The Division Bench of Kerala High Court in **K. Leela Vs. the District Collector and Arbitrator and Another[3],** held that, as no specific period is provided for making a claim seeking higher compensation, a residuary clause

[1] WP No. 19992 of 2019 dated 17.09.2025.
[2] WP No. 13670 of 2021 dated 21.04.2022
[3] Writ Appeal No. 226 of 2015 dated 30.03.2015

under Article 137 of the Limitation Act should apply, which is 3 years from the date on which the right to sue accrues. The matter was carried to the Hon'ble Apex Court, which granted an interim stay. A batch of matters is pending before the Apex Court vis-à-vis the applicability of Article 137 to file an application before the Arbitration under the National Highways Act, 1956.

STATUTORY SCHEME

8. The National Highways Act, 1956, (hereinafter referred to as "**N.H.Act**") envisages that under Section 3G(1), the amount payable is to be determined by an order of the competent authority. Under Section 3G(5), if the amount so determined is not acceptable to either party, the amount shall, on an application by either party, be determined by the Arbitrator appointed by the Central Government. Section 3J of the N.H.Act declares that nothing in the Land Acquisition Act, 1894 shall apply to an acquisition under the Act.

9. The rigour of Section 3J of the N.H.Act has, however, been qualified by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short "**Act 30 of 2013**"). Section 105(1) of Act 30 of 2013 provides that, subject to Section 105(3), the provisions of that Act shall not apply to the enactments relating to land acquisition specified in the Fourth Schedule. Sub-section (3) further directs the Central Government to notify that the provisions of the 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. The National Highways

Act, 1956 is the enactment specified at serial number 7 of the Fourth Schedule.

10. In compliance with the said provision, the Central Government issued the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Removal of Difficulties) Order, 2015, brought into force with effect from 01.09.2015, applying the said provisions of the Act 30 of 2013 to all cases of land acquisition under the enactments specified in the Fourth Schedule.

11. The Hon'ble Apex Court, in **Union of India Vs. Tarsem Singh**[4]**,** observed that the Fourth Schedule to the Act 30 of 2013, to be read along with Section 105, expressly includes the National Highways Act, 1956 at Item 7, and that by the notification dated 28.08.2015 issued under Section 105 read with Section 113 of the Act of 2013, the compensation provisions of the Act 30 of 2013 apply to acquisitions that take place under the National Highways Act. The relevant principle was summed up in paragraph 31, which is reproduced as under:

> "31. **Nagpur Improvement Trust** [Nagpur Improvement Trust v. Vithal Rao, (1973) 1 SCC 500] has clearly held that ordinarily a classification based on public purpose is not permissible under Article 14 for the purpose of determining compensation. Also, in para 30, the seven-Judge Bench unequivocally states that it is immaterial whether it is one Acquisition Act or another Acquisition Act under which the land is acquired, as, if the existence of these two Acts would enable the State to give one owner different treatment from another who is similarly situated, Article 14 would be infracted. In the facts of these cases, it is clear that from the point of view of the landowner it is immaterial that his land is acquired under the National Highways Act

[4] (2019) 9 SCC 304

> and not the Land Acquisition Act, as solatium cannot be denied on account of this fact alone."

12. The said position was reiterated by the Hon'ble Apex Court in **Union of India Vs. Tarsem Singh[5],** observing that,

> "18. We say so for the reason that the broader purpose behind Tarsem Singh (*supra*) was to resolve and put quietus upon the quagmire created by Section 3J of the NHAI Act, which led to the unequal treatment of similarly situated individuals. The impact of Section 3J was short-lived, owing to the applicability of the 2013 Act upon the NHAI Act from the date of 01.01.2015."

13. It follows that a landowner whose land is acquired under the National Highways Act 1956 does not stand outside the compensation regime of the Act 30 of 2013. Where, therefore, the competent authority determines compensation for lands covered by the same notification and the Arbitrator enhances it on a reference under Section 3G(5), a landowner who did not seek such a reference is not left without a remedy.

14. Section 73 of the Act 30 of 2013 recognizes a claim of that description. Where, in an award under that Chapter, the Authority concerned allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under Section 23, the persons interested in all the other land covered by the same preliminary notification, and who are also aggrieved by the award of the Collector, may, notwithstanding that they had not made an application to the Collector, by written application to the Collector within three months from the date of the award of the Authority concerned require that the amount

[5] 2025 SCC OnLine SC 235

of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Authority. The proviso to sub-section (1) excludes, in computing the period of three months, the day on which the award was pronounced and the time requisite for obtaining a copy of the award. Section 73 of the Act 30 of 2013 is in *pari materia* with Section 28A of the Land Acquisition Act, 1894.

15. The Division Bench of the Allahabad High Court, in **Ram Darash Vs. Union of India[6],** held that the application under Section 73 of the Act was barred because it was made almost two years after the arbitrator's award. However, the Court applied Section 73 of the Act 30 of 2013 to an acquisition under the National Highways Act, 1956, where the compensation had been enhanced by the Arbitrator under Section 3G(5) in favour of the landholders who had approached the authority, and categorically held that the application under Section 73 of the Act of 2013 is maintainable within a period of three months from the date of the award passed by the Arbitrator.

16. In the present case, the enhanced award is dated 30.03. 2026, and the petitioner approached the authorities on 11.05.2026, i.e., within 3 months of the enhanced award. The petitioner asserts that he was not served with a copy of the original award and obtained a copy only on 16.07.2026, on an application under the Right to Information Act. Be that as it may, on the shortest view of the period within which a claim of parity founded upon the enhanced award may be made, the petitioner is within time.

17. The endorsement, Exhibit P1, proceeds upon a different footing. It records that an application has to be made to the Arbitrator and District

[6] 2020 SCC OnLine All 2132

Collector seeking enhancement of the compensation “within a period of 3 (three) years from the date of issue of the said award”, and that no such application having been made, the arbitral award issued in respect of the farmers around the petitioner’s land cannot be applied to the petitioner. That premise is erroneous.

18. What the petitioner seeks is not a fresh determination of the compensation awarded to him standing by itself, but compensation on par with that awarded to the similarly situated landowners by the enhanced award. The right to seek such parity could arise only when the compensation of the similarly situated landowners was enhanced, that is, on 30.03.2026, and not on 31.03.2016, when the original award was passed.

19. The petitioner had to make a proper application before the 2nd respondent, claiming enhancement of the compensation. The PGRS is an enabling platform for the needy. The petitioner's application in PGRS could have been forwarded to the property authority to form an appropriate decision.

20. However, in the case at hand, the 3rd respondent, not the competent authority to decide the said issue, issued the endorsement impugned. The competent authority to decide the issue is the 2nd respondent. The 3rd respondent is the primary authority, i.e., the competent authority for land acquisition, to determine compensation, but not to enhance it under Section 3G(5) of the N.H.Act.

21. Furthermore, the petitioner’s claim for parity in compensation rests upon statutory principles wherein the limitation under Article 137 of the Limitation Act must be understood in a manner *pari materia* with the beneficial scheme of Section 28A of the Land Acquisition Act, 1894 (and its

corresponding provision, Section 73 of the Act of 2013). Section 28A was specifically designed to extend the benefit of enhanced compensation to similarly situated landowners who might not have initially sought a reference.

22. This distinction becomes even more pronounced considering that the petitioner merely filed a representation through the Public Grievance Redressal System (PGRS), which the authorities erroneously adjudicated as if it were a formal statutory arbitral reference. In this regard, specific reliance must be placed on Govt. Memo No. REV01/457/2026-PGRS, dated 24.09.2026, issued by the Revenue Department. The said Memo explicitly circumscribes the scope of PGRS applications. Clause (a) of the Memo categorically directs that PGRS is purely an administrative mechanism for receiving and monitoring grievances and "shall not be treated as a substitute for statutory proceedings prescribed under any enactment."

23. Further, Clause (e) of the Memo mandates that where a PGRS grievance requires the initiation of a statutory proceeding, "the complainant shall be suitably informed of the prescribed statutory remedy/procedure." Therefore, instead of unilaterally adjudicating the merits of the claim and rejecting it on substantive limitation grounds, the 3rd respondent was duty-bound under the Government's own directives to forward the application to the competent authority.

24. Therefore, as noted *supra*, Article 137 of the Limitation Act and the rigour of 3 years do not apply to the facts. In fact, the issue is sub judice before the Apex Court. In **K. Leela's** case, the Apex Court granted an interim stay against the Division Bench order of the Kerala High Court. As of now, the Division Benches of the Madras High Court and the Madhya Pradesh High Court have opined that Article 137 does not apply to an application under Sec 3G(5) of the N.H.Act.

25. Given the discussion *supra*, the endorsement dated 18.05.2026 (Ex.P1) issued by the 3rd respondent-Joint Collector, is hereby set aside. The 2nd respondent, the District Collector, shall re-determine the compensation to an extent of Ac.0.17 cents in Survey No.15/10G; Ac.0.26 cents in Survey No.18-3A, and Ac.0.10 cents in Survey No.13-9B, Ganganapalle village, fell within the NH-216 alignment, in terms of Ex.P8, award passed by the Arbitral Tribunal within four weeks from the date of receipt of the copy of the order.

26. Accordingly, the Writ Petition is Allowed. No order as to costs.

As a sequel, all the pending miscellaneous applications shall stand closed.

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JUSTICE SUBBA REDDY SATTI

NOTE: LR Copy to be marked
B/O
PVD

Whether the order is:

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No