

[3207]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATIFRIDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**:PRESENT:****THE HONOURABLE SRI JUSTICE BATTU DEVANAND****IA No. 1 OF 2023****IN****WP NO: 1879 OF 2023****Between:**

1. Kuruva Nagaraju, S/o. Shankaranna, Aged 41 Years, R/o. D.No.2-21-4, BC Colony, Alarudinne Post and Village, Devanakonda Mandal, Kurnool District.
2. Pathi Sujatha, W/o. Pathi Srinivasulu, Aged 52 Years, Occ House Wife, R/o. D.No.19/139, Rajaputra Street, Adoni Town and Post, Kurnool District.
3. Pathi Srinivasulu, S/o. Late Hanumanthaiah, Aged 58 Years, Occ Business, R/o. D.No.19/139, Rajaputra Street, Adoni Town and Post, Kurnool District.

Petitioners**AND**

1. The Union of India, Rep. by its Secretary, Ministry of Transport and Highways, New Delhi.
2. The National Highway Authorities of India, Rep. by its Director, New Delhi.
3. The Executive Engineer, National Highway Authorities. Kurnool District.
4. The Sub Collector, Adoni, Kurnool District.

Respondents**Counsel for the Petitioners : M/s. V Sessa Kumari****Counsel for the Respondent Nos. 1 & 2 : Sri S.S.Varma, learned Standing Counsel****Counsel for the Respondent No.3 : Government Pleader for R & B****Counsel for the Respondent No.4 : Government Pleader for Land Acquisition**

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 to grant interim stay of all further proceedings pursuant to the Gazette Notification No.5100, dated 16.11.2022 to the extent of 0.8820000 (Hectare) in Sy.No.344-2 & in extent of 0.2590000 (Hectare) in Sy.No.340, (Sl.Nos.25 & 26 in Gazette Notification), Pending disposal of WP No. 1879 of 2023, 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

"Heard respective counsels and perused the record.

It is the grievance of the petitioners that the 2nd respondent has issued Gazette Notification No.5100, dated 16.11.2022, approving the 3rd alignment for acquisition of the lands for the purpose of construction of Adoni (National Highway No.167 in the stretch of land from Km.62.700 to km.70.000) By-pass road in Kurnool District, Andhra Pradesh, without issuing proper notices to the public including the petitioners.

The learned counsel for the petitioners contend that the said notification was published in two newspapers i.e., HANS India and Andhra Prabha which are having only 10 and 50 circulations respectively. Due to that reason, the petitioners could not know about that notification to ventilate their grievances by following the due process of law.

In view of the facts and circumstances of the case, in the prima facie opinion of this Court, interest of the petitioners has to be protected as in the approved alignment, the petitioners constructed residential houses and without giving any opportunity to them, if the respondents are proceeded with the notification dated 16.11.2022, definitely, the petitioners have to suffer irreparable loss.

Accordingly, the respondents are directed to maintain status-quo in all respects for a period of four (04) weeks."

Sd/- V. SAVITRI GOWRI
ASSISTANT REGISTRAR

//TRUE COPY//

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To,

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SECTION OFFICER

1. The Secretary, Ministry of Transport and Highways, Union of India, New Delhi.
2. The Director , National Highway Authorities of India, New Delhi.
3. The Executive Engineer, National Highway Authorities. Kurnool District.
4. The Sub Collector, Adoni, Kurnool District. (1 to 4 by RPAD)
5. One CC to M/s V Sesha Kumari Advocate [OPUC]
6. One CC to Sri S.S.Varma, Standing Counsel [OPUC]
7. Two CCs to Government Pleader for R & B, High Court of AP[OUT]
8. Two CCs to Government Pleader for Land Acquisition, High Court of AP[OUT]
9. One spare copy

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HIGH COURT

DEVJ

DATED:27/01/2023

ORDER

IA No. 1 OF 2023
IN
WP NO: 1879 OF 2023

STATUS-QUO

