

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

MONDAY, THE SEVENTEENTH DAY OF APRIL  
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI



**WRIT PETITION 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 & 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**

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 an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2<sup>nd</sup> respondent in issuing the Gazette Notification No.5100, dated 16.11.2022 to the extent of 0.8820000 (Hectare) in Sy.No.344-2 and in extent of 0.2590000 (Hectare) in Sy.No.340, (Sl.Nos.25 & 26 in Gazette Notification) for the purpose of construction of Adoni (National Highway No.167 in the stretch of land from km.62.700 to km. 70.000) Bye-Pass Road in Kurnool District, Andhra Pradesh as illegal and arbitrary and in violation of principles of natural justice and set-aside the same.

**IA NO: 1 OF 2023**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ 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 the writ petition.

**Counsel for the Petitioners : M/S. V SESA KUMARI**

**Counsel for the Respondent No. 1 : SRI N. HARINATH, DEPUTY SOLICITOR  
GENERAL OF INDIA**

**Counsel for the Respondent No. 2,3 : SRI S S VARMA (SC FOR NHAI)**

**Counsel for the Respondent No. 4 : GP FOR REVENUE**

**The Court made the following : ORDER**

**THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI**

**WRIT PETITION NO.1879 OF 2023**

**ORDER:**

The present Writ Petition is filed seeking the following relief:

*"....to declare the action of the 2<sup>nd</sup> respondent in issuing the Gazette Notification No.5100, dated 16.11.2022 in respect of the land in an extent of 0.8820000 (Hectare) in Sy.No.344-2, in an extent of 0.25900000 (Hectare) in Sy. No.340 (Sl.Nos.25 & 26 of Gazette Notification) for the purpose of construction of Adoni (National Highway No.167 in the stretch of land from km.62.700 to km.70.000) bye-pass road in Kurnool District, Andhra Pradesh as illegal and arbitrary."*

2. Heard Smt V. Sesha Kumari, learned counsel for petitioners and Sri S S Varma, learned Standing counsel for respondent nos. 2 & 3, and Sri N. Hari Nath, learned counsel for 1<sup>st</sup> respondent and learned Government Pleader for Revenue for 4<sup>th</sup> respondent.
3. Sri S S Varma, learned Standing counsel for respondent nos. 2 & 3, and Sri N. Hari Nath, learned counsel for 1<sup>st</sup> respondent and learned Government Pleader for Revenue for 4<sup>th</sup> respondent collectively

submitted that, in similar set of facts this Court passed orders on 10.04.2023 in W.P.No.8502/2023 and on 10.03.2023 in W.P.No.3316/2023, and in the same lines, this case also be considered.

4. To the said submission, learned counsel for the petitioners reported no objection.

5. Taking submissions of the learned counsel on the both sides into consideration with their consent and as no purpose would be served in keeping this Writ Petition pending, this Court is inclined to dispose of this Writ Petition in terms of orders passed on 10.04.2023 in W.P.No.8502/2023 and on 10.03.2023 in W.P.No.3316/2023, at admission stage.

Accordingly, the petitioners are at liberty to submit their objections and make fresh representation, as per Section 3-C of the National Highways Act, 1956 within two (2) weeks from the date of receipt of this order and on receiving such objections, the 4<sup>th</sup> respondent-authority shall dispose of the same in accordance with law and communicate the same to the petitioners. Till such exercise is completed, the respondents are directed not to take any coercive steps pursuant to the Gazette Notification No.5100, dated 16.11.2022 in respect of the land in an extent of 0.8820000(Hectare) in Sy.No.344-2,

in an extent of 0.25900000 (Hectare) in Sy. No.340 (Sl.Nos.25 & 26 of Gazette Notification.)

Accordingly, the Writ Petition is **disposed of**. No costs.

Miscellaneous applications, pending if any, shall stand closed.

SD/- B. PRASADA RAO  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Union of India, Ministry of Transport & Highways, 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.
5. One CC to M/s. V Sessa Kumari Advocate [OPUC]
6. One CC to Sri. N. Harinath, Deputy Solicitor General [OPUC]
7. One CC to Sri. S S Varma (SC for NHA) [OPUC]
8. Two CCs to GP for Revenue, High Court of Andhra Pradesh. (OUT)
9. Two CD Copies

PV

Bhargava

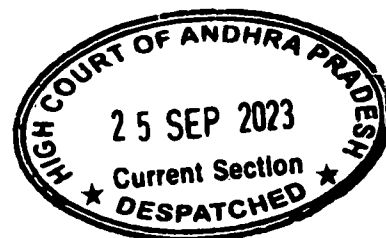
**HIGH COURT**

**DATED:17/04/2023**

**ORDER**

**WP.No.1879 of 2023**

11- G.P.O.  
P.B.K  
22/7/23



**DISPOSING THE WP WITHOUT COSTS**