

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE B KRISHNA MOHAN
FRIDAY, 10TH DAY OF MARCH, TWO THOUSAND AND
TWENTY THREE

WRIT PETITION No.3316 of 2023

Sirigiri Jammanna, W/o. Shakarappa,
Aged about 36 years, R/o. H.No. 1-
178/28, RG Nagar, Mandigiri, Adoni,
Kurnool District and 5 others.

.... Petitioners

Versus

The Union of India, Rep. by its
Secretary, Ministry of Transport and
Highways, New Delhi and 3 others.

....Respondents

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Roads and Buildings for the 3rd respondent. None appears for the respondent nos.1 and 2.

2. The grievance of the Writ petitioners is that the 2nd respondent issued the Gazette Notification No. 5100 dated 16.11.2022 to the extent of 0.8820000 (Hectare) in Sy.No.344-2, 0.3600000 (Hectare) in Sy.No.485, 0.1170000 (Hectare) in Sy.No.486/1, 0.3800000 (Hectare) in Sy.No. 572/1, and 0.0450000 (Hectare) (Sl.Nos. 26, 35, 36, 57 and 70) in Sy.No.636 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.

3. The learned Senior counsel for the petitioners submits that pursuant to the notification, objections were called but no wide publicity was given in the leading newspapers and as such the persons who are going to lose the lands under the said acquisition could not be in a position to raise the objections effectively. However in so far as the petitioners are concerned, questioning the same, this Writ Petition is filed as the respondent authorities proposed different alignments initially, the 1st alignment, the 2nd alignment and the 3rd alignment by marking the same on the field map. But ultimately now they are referring back to the 2nd alignment, in such case the petitioners would be deprived of their subject land for the purpose of the said acquisition.

4. On the other hand, the learned Government Pleader for Roads and Buildings submits that it is at the stage of Section 3A of the Act proceedings only and the petitioners are entitled to raise their objections under section 3C of the National

Highways Act. In such case, the authorities would consider the same.

5. In view of the above said facts and circumstances, the petitioners are permitted to raise their objections if any under section 3C of the National Highways Act before the Joint Collector (CALA), Kurnool within a period of three (3) weeks from the date of receipt of this order and on receipt of such objections from the petitioners, the said authority shall consider and dispose of the same strictly in accordance with law by hearing all the parties concerned and all the aspects shall be taken duly into consideration.

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

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE B KRISHNA MOHAN

10.03.2023
UPS