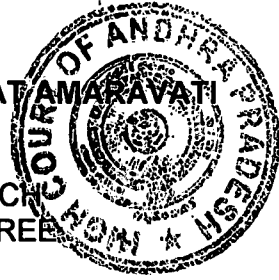


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)



FRIDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 3316 OF 2023

Between:

1. Sirigiri Jammanna, S/o. Shakarappa, Aged 36 Years, Occ. Business, R/o. H.No.1-178/28, RG Nagar, Mandigiri, Adoni-518301, Kurnool District.
2. Choodi Sravan Kumar, S/o. C Hussaini, Aged 32 Years, Occ. Bussiness, R/o. H.No.17/836/185, New Gandhi Nagar, Adoni-518301, Kurnool District.
3. K Veeresh, S/o. K Thikkanna, Aged 36 Years, Occ. Bussiness, R/o.H.No.1/116, Raichoti Subbaiah Colony, Adoni-518301, Kurnool District.
4. Kuruva Ayyappa, S/o. K. Ramanjineyulu, Aged 28 Years, Occ. Bussiness, R/o.H.No.3/48, BC Colony, Nagalapuram, Kapati-518323.
5. Kuruva Giddaiah, S/o. K Linganna, Aged 52 Years, Occ. Agriculture, R/o.H.No.8/35, BC Colony, Basapuram Village, Kotekal Post-518360.
6. V. Ramabhupal Reddy, S/o. V Bala Samheeva Reddy, Aged 49 Years, Occ. Private Employee, R/o.H.No.20/62-2, Opp. Reddys Hostel, Adoni Post-518301, Kurnool District.

...PETITIONER

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

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 2nd respondent in issuing the Gazette Notification No.5100, dated 16.11.2022 to the extent of 0.8820000 (Hectare) in Sy.No.344-2, in Sy.No.485 an extent of 0.3600000 (Hectare), in Sy.No.486/1 an extent of 0.1170000 (Hectare), in Sy.No.572/1 an extent of 0.3800000 (Hectare), in Sy.No.636 an extent of 0.0450000 (Hectare), (Sl.Nos.26, 35, 36, 57 and 70) 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 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 Sy.No. 485 an extent of 0.3600000 (Hectare), in Sy.No.486/1 an extent of 0.1170000 (Hectare), in Sy.No.572/ 1 an extent of 0.3800000 (Hectare), in Sy.No.636 an extent of 0.0450000 (Hectare), (Sl.Nos.26, 35, 36, 57 & 70) in Gazette Notification, pending disposal of the writ petition.

**Counsel for the Petitioner : SRI.C.RAGHU, Sr COUNSEL Rep by M/s. V SESA
KUMARI**

**Counsel for the Respondent No.1: SRI N. HARINATH,
SC FOR CENTRAL GOVERNMENT**

Counsel for the Respondent Nos.2,3: SRI SS. VARMA, SC FOR NHAI

Counsel for the Respondent No.4: GP FOR REVENUE

The Court made the following: ORDER

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.

Sd/- K.J.RAJA BABU
ASSISTANT REGISTRAR
Ch
SECTION OFFICER

//TRUE COPY//

To,

1. The Secretary, Union of India Ministry of Transport and 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 SC for Centreal Government, High Court of Andhra Pradesh, Advocate [OPUC]
7. One CC to Sri SS Varma SC for NHAI, High Court of Andhra Pradesh, Advocate [OPUC]
8. Two CC to GP for Revenue, High Court of Andhra Pradesh [OUT]
9. Two CD Copies

KRK

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Suresh

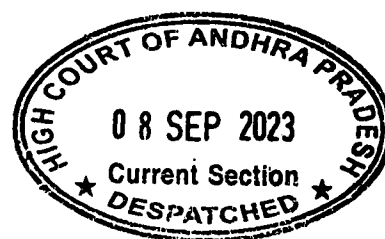
HIGH COURT

DATED:10/03/2023

ORDER

WP.No.3316 of 2023

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DISPOSING THE WP WITHOUT COSTS