



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
WEDNESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
WRIT PETITION NO: 35081 OF 2022

Between:

G Munirathnam Reddy, S/o. Late SubbaRami Reddy. Aged about 51 years, Occ Agriculture, R/o.D.No.1-96, Guthivaripalle Village, R.Mallavaram, Renigunta Mandal, Tirupathi District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep., by its Principal Secretary Roads and Buildings Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The National High Way Authority of India,, G.5 and 6, Sector -10, Dwaraka, New Delhi-110075, rep.by its Chairman.
3. The Chief General Manager, NHAI, SRI Tower, Illrd Floor, D.P.34, SP Industrial Estate, Guindy, Chennai - 600032.
4. The District Collector/District Magistrate and Arbitrator, Land Acquisition, National High Way Authority, Tirupati District, Tirupati.
5. The Sub- Collector, Tirupathi and Competent Authority NH71 Office, Renigunta, Poyya Section (Six Lane) Tirupati, Tirupati District.

...Respondents

Petition filed 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 order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in laying road through the land in an extent of Ac.0.21 cents in Sy.No.194/58/2 of R.Mallavaram Village fields, Renigunta Mandal, Tirupathi District, eventhough, the same is not notified either under the notification under Section 3A or published under Section 3D of the National Highways Act, 1956, issued through the Notification and the Publication, dated 18.06.2018 and 20.12.2018 respectively as arbitrary, illegal, colorable exercise of power and quite contrary to the well established legal principles apart from being violative of the fundamental and Constitutional rights guaranteed to the petitioner under Articles 14, 19, 21 and 300-A of the Constitution of India and consequently direct the respondents not to lay/form the road through the subject land in an extent of Ac.0.21 cents in Sy.No.194/5B/2 of R.Mallavaram Village fields, Renigunta Mandal, Tirupathi District, without initiation of the proceedings under the provisions of National Highways Act, 1956.

IA NO: 1 OF 2022 :

Petition filed 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 direct the respondents not to lay/form the road through the land in an extent of Ac.0.21 cents in Sy.No.194/5B/2 of R.Mallavaram Village fields. Renigunta Mandal, Tirupathi District, without adhering to due process of law, pending disposal of WP 35081 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of V R REDDY KOVVURI Advocate for the Petitioner, GP FOR ROADS & BUILDINGS for the Respondent NO.1 and of Sri S.S.VARMA, STANDING COUNSEL FOR NHAJ for the Respondent No.2 and 3 and of GP FOR LAND ACQUISITION for the Respondent No.5 Advocate for the Respondent(s) and the Court made the following

ORDER:

"Heard the learned counsel for the petitioner. Also heard Mr.S.S.Varma, learned Standing Counsel for NHAJ appearing for the respondents 2 & 3 and the learned Assistant Government Pleader for Land Acquisition appearing for the 5th respondent.

At the time of considering the matter, it is stated by the learned Standing Counsel appearing for the respondents 2 & 3 that the respondents are contemplating to issue a notification to acquire the land of the petitioner.

However, considering the submission that without issuing any notification the petitioner's possession cannot be disturbed, there shall be interim direction as prayed for. The respondents shall not interfere with the possession and enjoyment of the subject matter without following the due procedure, as contemplated under Law.

List this case along with W.P.No.56645 of 2022 after two (2) weeks to enable the counsel for the respective respondents to file Counter Affidavits, if any."

Sd/- U. SRI DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

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To,

1. The Principal Secretary, Roads and Buildings Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The Chairman, National High Way Authority of India, G.5 and 6, Sector -10, Dwaraka, New Delhi-110075.

3. The Chief General Manager, NHAI, SRI Tower, IIIrd Floor, D.P.34, SP Industrial Estate, Guindy, Chennai - 600032.
4. The District Collector/District Magistrate and Arbitrator, Land Acquisition, National High Way Authority, Tirupati District, Tirupati.
5. The Sub- Collector, Tirupathi and Competent Authority NH71 Office, Renigunta, Poyya Section (Six Lane) Tirupati, Tirupati District. (Addresses 1 to 5 by RPAD)
6. One CC to SRI. V R REDDY KOVVURI Advocate [OPUC]
7. Two CCs to GP FOR ROADS BUILDINGS ,High Court Of Andhra Pradesh. [OUT]
8. Two CCs to GP FOR LAND ACQUISITION [OUT]
9. One CC to SRI S.S. VARMA, STANDING COUNSEL [OPUC]
10. **One spare copy**

ER

HIGH COURT

NJS, J

DATED:02/11/2022

LIST THIS CASE ALONG WITH WP NO.56645 OF 2022 AFTER TWO (2) WEEKS

ORDER

WP.No.35081 of 2022

INTERIM DIRECTION

