

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.15467 OF 2012

ORDER:

The writ petition filed with the following prayer:

....to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in proposing to acquire the lands of the petitioners for the purpose of construction of Toll Plaza without considering the objections of the petitioners as illegal, arbitrary and violative of principles of natural justice and consequently declare that the notification if any to that effect as illegal by directing the respondents not to dispossess the petitioners from their respective piece of land around Ac.0-09 cts each in Sy.Nos.269/2, 342/2A & B, 268/3A of Bhimavaram Village, Vatsavai Mandal of Krishna District and pass such other order or orders and as this Hon'ble Court may deem fit and proper in the circumstances of the case”.

From the above prayer it is evident that the respondents are trying to interfere with and dispossess the petitioners from the subject property without recourse to law.

The subject matter of writ petition is an extent of Ac.0-09 cts each in Sy.Nos.269/2, 342/2A & B, 268/3A of Bhimavaram Village, Vatsavai Mandal of Krishna District.

The respondents filed counter and a petition to vacate the interim order dated 06.06.2012. The counter affidavit of

3rd respondent refers to the location of petition land, procedure for acquisition etc.

The 3rd respondent received land acquisition proposals from the National Highway Authority of India for acquisition of land in Bhimavaram Village of Vatsavai Mandal and also Chillakallu Village of Jaggaiahpet Mandal. The land acquisition proposals are for construction of toll plaza. Notification No.SO 709(E) dated 07.04.2011 under Section 3-A of the National Highways Act, 1956 was published for acquiring 66,047.04 sq. metres in the villages referred to above. On 12.05.2011, notification dated 07.04.2011 was published in the

newspapers. The 2nd respondent did not receive objections from either the persons interested or the land owners. The declaration under Section 3-D of the National Highways Act was published in Government of India Gazette S.O.No.2631 (E) dated 25.11.2011. Thereafter, Section 3-G notification was published in the Hindu and Vartha newspapers requesting the land holders to appear before the LAO/RDO on 03.07.2012 with proof of title of acquired land for claiming compensation. On 03.03.2012, a few of the land owners appeared and filed documents in support of their claim for title and compensation. The matter was adjourned to 14.05.2012 to give another opportunity to the persons who have not filed claims.

In respect of the same notifications, this Court today, through separate order in W.P.No.16349 of 2012, by recording reasons, dismissed the writ petition.

By following the reasons mentioned in W.P.No.16349 of 2012, the present writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

S.V.BHATT, J

2nd April, 2015

Lrkm