

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

FRIDAY, THE TWENTY SECOND DAY OF JANUARY,
TWO THOUSAND AND SIXTEEN

:PRESENT:
THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WP .NO: 1842 of 2016

Between:

- 1 Smt. B. Rathna Reddy, S/o B.Gangi Reddy
- 2 B. Sudhakar, S/o B.Gangi Reddy

..... Petitioners

AND

- 1 The Union of India, Represented by its Secretary, Ministry of Road Transport and Highways, 5th Floor, Transport Bhawan, 1, Sansad Marg, Gokul Nagar, Sansad Marg Road, New Delhi 110 001.
- 2 National Highways Authority of India, G5 and 6, Sector 10, Dwaraka, New Delhi 110 075, Rep by its Chairman.
- 3 The Joint Collector-cum-Land Acquisition Officer, Bangalore-Chennai Expressway (NHAI), Chittoor District, Chittoor, Andhra Pradesh.
- 4 The Project Director, National Highways Authority of India, Door No.259/1, Salem Main Road, Near KAKC Petrol Bunk, Krishnagiri - 635001, Tamilnadu.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue an order or direction, one in the nature of writ of Mandamus, a) declaring the action of the 3rd respondent in not considering the objections dated 27.7.2015 submitted by the petitioners in regard to acquisition of their lands proposed to be acquired in pursuant to the notification No.814 vide S.O.1048(E) dated 17.4.2015 for the purpose of Bangalore-Chennai Expressway (four line road) from Km.74/870 to 82/150 and 83/150 to 164/500, as illegal, improper, and unjust and violative of Article 300-A of the Constitution of India and also violative of principles of natural justice, b) and consequently to direct the respondents to consider the objections filed by the petitioner in regard to acquisition of their land for the proposed Bangalore-Chennai National Highway (four line road) from Km.74/870 to 82/150 and 83/150 to 164/500 by providing personal hearing, c) and declaring the action of the respondents in interfering with the possession and enjoyment of the petitioners Lands at Kolamasanapalli Village, Palamaner Mandal, Chittoor District situate in survey No.258 in an extent of 16794 sq.mtrs; 283 sq.mtrs in Sy.No.283; 2024 sq.mtrs in Sy.No.312/1; 2185 sq.mtrs in Sy.No.312/2; 688 sq.mtrs in Sy.No.314/1; 1295 sq.mtrs in Sy.No.314/2; 162 sq.mtrs in Sy.No.316/1; 283 sq.mtrs in Sy.No.316/2; 3884 sq.mtrs in 317; 324 sq.mtrs in Sy.No.318/2; 4047 sq.mtrs in Sy.No.356 and 1983 sq.mtrs in Sy.No.313 belonging to the 1st petitioner and land admeasuring 6071 sq.mtrs in Sy.No.353 belonging to the 2nd petitioner, without following the procedure under National Highways Authority Act 1956, as

illegal, improper and contrary to law.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri P. Gangaiah Naidu, learned Senior Counsel for Sri N. Bharat Babu, Advocate for the Petitioners and Sri S.S.Varma, learned counsel for respondent No.4, the Court made the following

ORDER:

Heard Sri P.Gangaiah Naidu, learned Senior Counsel for the petitioner and Sri S.S.Varma, learned counsel for respondent No.4.

The grievance of the petitioners is that without considering the objections submitted by them pursuant to the notification under Section 3(a) of the National Highways Authority of India Act, 1956, and without giving personal hearing, the respondents are trying to proceed further and dispossess the petitioners.

On the other hand, learned counsel for respondent No.4 submits that 27.01.2016 is the date fixed for personal hearing of the matter.

In view of the above, respondent authorities are directed to consider the objections filed by the petitioners and pass orders after giving personal hearing. Till such time, the petitioners shall not be dispossessed from the land in dispute except in accordance with law.

Post after four (04) weeks.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Secretary, Ministry of Road Transport and Highways, Union of India, 5th Floor, Transport Bhawan, 1, Sansad Marg, Gokul Nagar, Sansad Marg Road, New Delhi 110 001.
- 2 The Chairman, National Highways Authority of India, G5 and 6, Sector 10, Dwaraka, New Delhi 110 075.
- 3 The Joint Collector-cum-Land Acquisition Officer, Bangalore-Chennai Expressway (NHAI), Chittoor District, Chittoor, Andhra Pradesh.
- 4 The Project Director, National Highways Authority of India, Door No.259/1, Salem Main Road, Near KAKC Petrol Bunk, Krishnagiri - 635001, Tamilnadu.

(Addressees 1 to 4 BY RPAD)

- 5 One CC to Sri N. Bharat Babu, Advocate (OPUC)
- 6 Two CCs to the G.P. for Land Acquisition (AP), High Court of Judicature at Hyderabad. (OUT)
- 7 One spare copy.

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HIGH COURT

CPK,J

DATED: 22-1-2016

NOTE: Post after four weeks

ORDER

W.P.NO. 1842 OF 2016

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 25-01-2016

CPK,J

DATED: 22-1-2016

NOTE: Post after four weeks

ORDER

W.P.NO. 1842 OF 2016

DIRECTION