

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

[Special Original Jurisdiction]

MONDAY THE THIRTEENTH DAY OF OCTOBER, 2016

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 34407 OF 2016

Between:

Pottem Ashok Kumar & Anr. ... Petitioners

V/s.

The Union of India
Represented by its Secretary
Ministry of Road Transport
New Delhi & Ors. ... Respondents



Counsel for the Petitioner: Sri EVVS Ravi Kumar

Counsel for the Respondents: Sri SS Varma, SC for NHAI
GP for Transport [AP]
Sri B.Narayana Rao
Assistant Solicitor General

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 34407 OF 2016

O R D E R :

Vide the present writ petition, petitioners seek direction thereby directing the respondents to consider the representation dated 27/09/2016 filed by the petitioners and thereafter contemplating to lay the by-pass road in proposed alignment No.3 through the properties of the petitioners in an extent of Acs:2-35 cents and Ac:0-70 cents in survey No.401; Ac:1-15 in survey No.401; Ac:0-50 cents in survey No. 406-B6; Acs:4-65 cents in survey No.403-1, Ac:1-28 cents; Ac:2-30 cents in survey No.407-B; Ac:0-28 cents in survey No.407-C; Ac:0-68 cents in survey No.474/3 situated in Mittapalem village, Chandragiri Mandal, Chittoor district, without calling for objections or without following the procedure under the National Highways Authority Act 1956, as illegal, arbitrary and contrary to the provisions of the National Highways Act, 1956 and violation of Articles 14, 21 and 300-A of the Constitution of India and

consequently to direct the respondents to lay the by-pass road in the proposed alignment Nos. 1 or 2 instead of alignment No.3 and to pass such other suitable orders as this Court may deem fit and proper in the circumstances of the case.

2. Learned counsel for the petitioners submits that the petitioners have apprehension that the respondents may not take steps as per law and arbitrarily encroaching the lands of the petitioners.

3. Learned Standing Counsel appearing on behalf of the third and fourth respondents submits that the petitioners have made representation to this effect to the Revenue Officer, Chandragiri Mandalam. However, the petitioners did not make representation to any of the respondents herein. He further submits that let the petitioners may make representation that will be considered as per law.

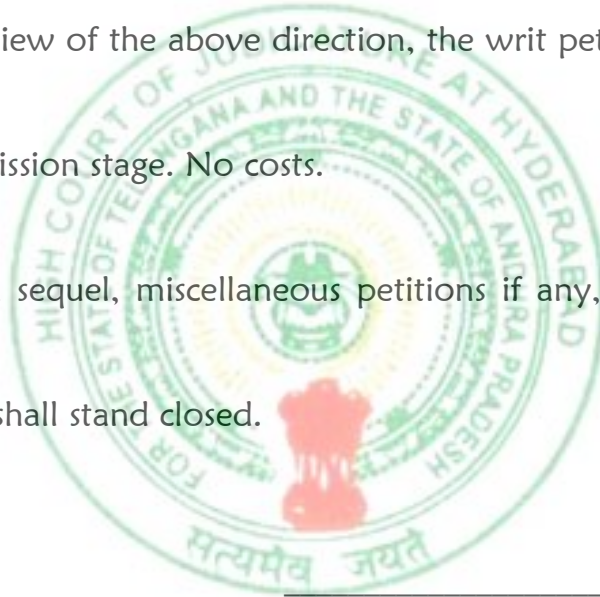
4. Accordingly, the writ petition is disposed of directing the respondent No.3 to consider the representation of the petitioners if

made and pass appropriate orders on merits and in accordance with law within a period of two weeks from the date of submission of such representation.

5. I hereby make it clear that the orders passed on the representation shall be communicated to the petitioners in writing within one week thereafter.

6. In view of the above direction, the writ petition is disposed of at the admission stage. No costs.

7. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.



JUSTICE SURESH KUMAR KAIT.

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 34407 OF 2016



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Court Master: I s L