

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

W.P.No.14019 of 2015

ORDER

Heard learned counsel for petitioner, learned Standing Counsel for NHAI for respondent No.1, learned Government Pleader for Land Acquisition for R2 and R4 and learned Government Pleader for Roads and Buildings for R3.

2. This writ petition is filed challenging the notification dated 16.09.2014, which was published on 30.09.2014, issued by the 1st respondent for acquiring the property of petitioner to an extent of 225 Sq. yards in Sy.No.151/2 situated at Nadakuduru Karapa Mandal, Kakinada, East Godavari.

3. The first respondent issued notification dated 16.09.2014, which was published on 30.09.2014, for extension of N.H.214 (New N.H.216) from Kathipudi to Lachipalem. In the said notification, the petitioner's property was included for acquisition. Though the petitioner raised objections to the said notification on 13.10.2014, the 4th respondent, without considering the same, issued paper publication for acquiring the lands.

4. The main contention of learned counsel for petitioner is that though N.H.No.216 is notified, the entire proceedings for acquiring the lands under National Highways Act, 1956 (for short 'the Act'), are illegal as the said National Highway does not come under the Act as per the information furnished to the petitioner under Right to Information Act.

5. Learned Standing Counsel for NHAI, by referring to schedule under Section 2 of the Act, says that N.H.216, corresponds to old N.H.214 and N.H.214 A, is notified at Sl.No.53 and declared as National Highway under the Act. The same is not disputed by the learned counsel for petitioner. In the counter also, the same has been asserted, but no reply is filed by petitioner disputing the same.

6. As per the Schedule under Section 2 of the Act, N.H.216 (old NH 214 and 214A), the highway starts from its junction with NH-16 near Kathipudi connecting Kakinada, Machilipatnam and terminating at its junction with NH-16 near Ongole in the State of Andhra Pradesh, and hence the Act is applicable for the development.

7. In view of the above, the contention of petitioner is not tenable and as such, there is no merit in the writ petition and the same is accordingly dismissed. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

A. RAJASHEKER REDDY, J

16th November, 2017

sj