

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.7010 OF 2017

ORDER:

This writ petition is filed seeking following relief.

... issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in issuing the impugned notices to the petitioners and insisting for taking the possession of the house properties bearing (1) H.No.ST 1492, 4-84; (2) H.No.28-10/598A; (3) H.No.30/222; (4) H.No.4-85; (5) H.No.32/240; (6) H.No.28-10-297; (7) H.No.32/220; (8) H.No.28-10-598/4 and (9) H.No.4-84; are residents of Varadhi Centre, Near Sugar Factory, Venkateswarapuram (Post), Nellore (Mandal), SPSR Nellore District, A.P., of the petitioners respectively and mentioned in show cause notices issued under sub-Section (2) of Section 26 of the Control of National Highway (Land and Traffic) Act, 2002 for widening of the existing Road of Nellore-Bellari-Bombay Section National Highway Road No.67 (Pothiredypalem to Kovvur) at Pothireddypalem, Kovvur Mandal, Nellore District in the State of Andhra Pradesh without payment of compensation under Section 3G of National Highways Act as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as illegal, arbitrary and violation of Articles 14, 21 and 300-A of the Constitution of India and violation of principles of natural justice and also contrary to the Judgment of Land Acquisition Officer/Revenue Divisional Officer Vs. Mekala Pandu, reported in 2004 (2) ALD 451 also upheld by the Hon'ble Supreme Court of India and consequently direct the respondents to acquire the lands and buildings of the petitioners as per law laid down in Land Acquisition Officer/Revenue Divisional Officer Vs. Mekala Pandu, reported in 2004 (2) ALD 451 and pay the compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

When the matter is taken up for hearing, learned standing counsel for National Highways Authority of India (NHAI) submits that the Assistant

Executive Engineer (R&B), National Highways Section, Chirala, gave written instructions stating that he is withdrawing the notices issued to the petitioners under Section 26(2) of the Control of National Highway (Land and Traffic) Act, 2002. It is submitted that no Notification was issued so far seeking acquisition of the land. If that is so, the respondents shall not interfere with the possession of the petitioners' lands without following due process of law.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed. There shall be no order as to costs.

13.09.2017
pln



A.RAMALINGESWARA RAO, J