

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.24139 of 2017

ORDER:

Heard Sri Ravi Chandra Bejjaram, counsel for petitioners, for considerable time.

The petitioners pray for a Mandamus declaring the action of the 2nd respondent in acquiring the petitioners' land without following the procedure under the National Highways Act, 1956 as illegal and unconstitutional. The Petitioners pray for consequential declaration that the action of respondents in changing the alignments of the proposed extension of National Highway No.365-A from Suryapet- Khammam to Suryapet-Naikigudem -Hatya Thanda-Jujjuraopeta-Kusumanchi as illegal and unconstitutional.

Both after hearing the counsel for the petitioners and after going through the writ affidavit dated 19.7.2017, this Court is of the view that when the petitioners were apprehending imminent dispossession or deprivation of property right, they have filed instant writ petition. On 21.7.2017, the following interim direction was granted in favour of petitioners:

“Learned GP for Revenue takes notice for respondents 1, 3 to 5 and Sri SS Varma, learned counsel, takes notice for R.2, and seek time to file counter.

Post after four weeks.

Meanwhile, any action taken by the respondents for acquiring the lands of the petitioners, if the petitioners are in possession of the lands, shall be in accordance with the procedure established under law.”

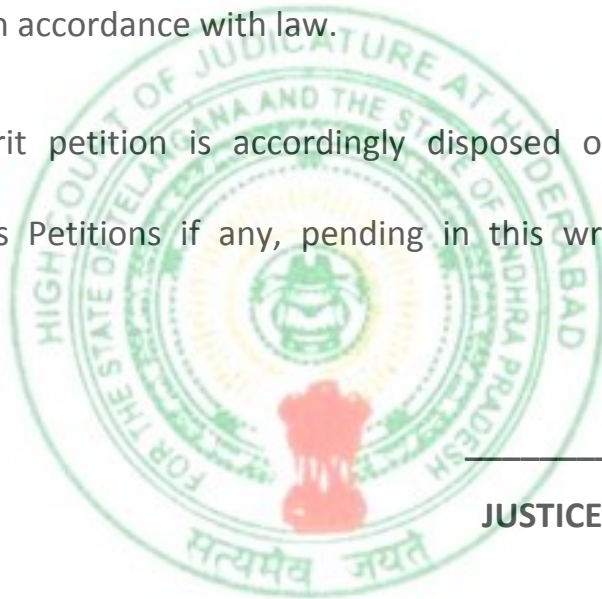
Counsel for petitioners submits that Notification dated 21.8.2017 was issued under The National Highways Act, 1956. It is also not in dispute that the cases of petitioners are covered by the Notification dated 21.8.2017. Mr. Ravi Chadra Bejjaram, basing on the manner of execution of subject project made a few submissions on the consequential prayer stated above.

Briefly stated submissions are that the respondents are not following alignments originally accepted by the competent authority and that after possessing lands in bits and parts either under G.O.Ms.No.123, Rev.(JA&LA) dated 30.7.2015 or otherwise are proposing to lay road.

Standing Counsel for 2nd respondent submits that the expansion width of road into a four lane or more is taken up on a different project plan preferred in this behalf and there is no prohibition for acquiring land *de hors* the National Highways Act, 1956 and he further vehemently contends that these objections ought not to be entertained by this Court since a notification is already issued under the Act.

The contentions and the reply of respondents are merely noted and this Court is of the view that since a notification is already issued, it is open to the petitioners to raise all objections available in this behalf and the authorities are under obligation to consider and dispose of the same as required by law. Petitioners, if not filed objections as on date, are given two weeks time from the date of receipt of copy of this order to file objections by enclosing a copy of this order and the 4th respondent is directed to consider and dispose of the same in accordance with law.

The writ petition is accordingly disposed of. As a sequel, Miscellaneous Petitions if any, pending in this writ petition shall stand closed.



JUSTICE S.V.BHATT

Date 16/11/2017

Note :cc in two days

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