

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.217 of 2018

ORDER:

This Writ Petition is filed by Pamurai Sri Aanjaneya Swamy Alaya Committee represented by its Secretary. It is the claim of the petitioner that the land in Survey Nos.193 and 195 situated at Somanadoddi Village, Anantapur Mandal and District, belongs to the temple and is likely to be acquired for laying a National Highway between Anantapur and Giddalur Section. The grievance of the petitioner is that in the notification issued by the first respondent under Section 3A of the National Highways Act, 1956 (for short 'the Act'), in relation to Survey No.195, land to an extent of 7736 square meters has been shown as private, but, there is no mention of the name of the temple and also about the acquisition of the land in Survey No.193.

Learned counsel for the petitioner submits that on the representation submitted by the Villagers of Pamurai, the third respondent - District Collector, Anantapur, addressed a letter, dated 11.12.2017 to the Project Director, National Highways Authority of India, Anantapur, with a request to change the alignment without affecting the fertile lands and houses situated in Pamurai Village and that if such representation is considered, the subject land owned by the temple would not get affected.

Learned Standing Counsel for National Highways Authority appearing for respondent No.2 submits that only notification under Section 3A of the Act has been issued and that the petitioner has ample opportunity to file objections in terms of Section 3C of the Act and the same would be considered before issuing a declaration under Section 3B of the Act.

Having considered the above, inasmuch as there is 21 days time is given to the interested person to file objections and even as on today, there being no declaration issued under Section 3D of the Act, this Writ Petition is disposed of, giving liberty to the petitioner to file objections afresh before the competent authority, Joint Collector, Ananthapuramu, Andhra Pradesh, as mentioned in the notification, dated 20.11.2017 published in Hindu Daily Newspaper on 10.12.2017. Thereupon, the competent authority shall consider and pass orders in accordance with law, before issuing declaration under Section 3D of the Act.

Miscellaneous Petitions, if any pending shall stand dismissed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

19th JANUARY, 2018.

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