

THE HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.19098 of 2006

ORDER:

The prayer in the writ petition is reads as under:

“to issue Writ of Mandamus, or any other appropriate writ, or order, or direction declaring:

- (a) the action of respondents in proposing to widen the National Highway No.7 at Jeedipalli Village, Toopran Mandal, Medak District, near the land of the petitioner i.e., in Survey Nos.36 & 37 in Jeedipalli Village, Toopran Mandal, Medak District, unequally i.e., by taking 41 meters on the left side (from Hyderabad to Nagpur) and on the opposite side only 20 meters, if a straight line is made in the middle of the existing national highway at the said Jeedipalli Village as arbitrary, illegal, unjust and as unsustainable, and as contrary to the provisions of the National Highways Act, rules and regulations made thereunder, and the practices adopted by the respondents in the matter relating to widening of existing national highway,
- (b) the action of respondents in not conducting any enquiry and in not hearing the objections raised by the petitioner under Section 3-C of the National Highways Act, 1956 as arbitrary, illegal and unjust,
- (c) the proposal and all the proceedings taken by the respondents to acquire under National Highways Act, 1956 an extent of 0-35 guntas in Sy.No.36 and 0-09 guntas in Sy.No.37 situated at Jeedipalli Village, Toopran Mandal, Medak District, belonging to the petitioner as arbitrary, illegal and as unjust,

and issue a consequential direction directing the respondents not to acquire the said land of the petitioner for the purpose of widening of National Highway No.7 and also direct the respondents to take steps ensuring the widening of National Highway No.7 at Jeedipalli Village, Toopran Mandal, near the land of the petitioner in Sy.Nos.36 & 37 by taking the land equally from both sides, on a central line of National Highway No.7 at Jeedipalli Village, Toopran Mandal, on the left and right sides and to pass”

2. The petitioner claims to be the owner and possessor of the land to an extent of Ac.0.35 guntas in Survey No.36 and Ac.0.09 guntas in Survey No.37 of Jeedipalli Village besides other land in the same survey numbers. In the said survey numbers the petitioner is having its administrative office, factory and other

structures. The entire land possessed by the petitioner is required for the purpose of its industry. Any part of it, if acquired, it will affect the entire industry and its functioning. It has been in existence since several years. The respondents proposed widening of the National Highway No.7, which passes through the Jeedipalli Village, Toopran Mandal, in which the petitioner's land, buildings and the industry are situated. At present the National Highway in the said village is of 80 feet width. The respondents wanted to widen it by 120 feet. The existing National Highway, in the road middle line is drawn, any widening should be equally from both the sides of such a middle line. The respondents cannot widen the road only on one side and leave the other side from such a middle line. Any widening should be equal on both sides. As far as the petitioner's land is concerned, towards the petitioner's side, the respondents are acquiring 41 meters and on the opposite side they are acquiring only 20 meters. The respondents are depriving almost one acre of land belonging to the petitioner. By reason of taking land upto a depth of 41 meters towards the side of petitioner's factory, the entire functioning of the factory of petitioner is being affected. The petitioner challenged the acquisition proceedings as contrary to the provisions of the National Highways Act, 1956.

3. On 15.09.2006, this Court granted the interim order of *status quo* and on 02.01.2007, this Court while admitting the writ petition extended the interim order, granted earlier, until further orders and thereafter, counter affidavit and additional counter affidavit are filed by respondent No.2 and respondent No.3 respectively. However, this Court on 15.10.2008 passed orders in W.P.M.P.No.24873 of 2008, which reads as under:

“This petition is filed to direct the respondents to give exact details of A, B, C and D portions drawn to scale comparable on the land, with a straight line, from D to A and to direct the respondents to take the land only for the Main Carriage way.

In the order dated 12.08.2008, it is made clear that the respondents can take possession of A, B, C & D marked portions in the plan, in which case A, B, C & D marked portions have necessarily to be measured before taking possession, in the presence of the writ petitioner.

The WPMP is, accordingly, disposed of. Post the W.P. for “final hearing” in the usual course.”

4. In pursuance of the said order, the National Highways Authority of India vide letter No.NHAI/ PIU-HYD/ AP-2/ BOT(A)/ CC/ 2008/ 1637 dated 27.10.2008 addressed a letter to the Chairman & Managing Director, petitioner Company requesting him to be present in person or through his representative to mark the boundaries, as mentioned in the High Court order (A, B, C & D portion) on 31.10.2008 at 10.30 A.M. The proposed land required by N.H.A.I. for forming Main Carriageway is shown in the sketch enclosed. It is submitted by the learned Senior Counsel Sri S.S.Prasad, appearing for the

petitioner's counsel, that as per the orders of this Court dated 15.10.2008 and the letter of National Highways Authority of India dated 27.10.2008, along with enclosure, the land is marked and the road is also formed and completed.

Recording the above submission, this Writ Petition is disposed of. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M. GANGA RAO, J

27.04.2018
MVA

