

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.39794 OF 2018

Date:22.11.2018

Between:

P. Karunakar, S/o. P. Vengaiah,
Aged about 50 years, Occ: Proprietor,
PKR Projects and Engineer, R/o.D.No.19-56,
N.R.P. Road, yeleswaram, East Godavari
District, State of Andhra Pradesh .. Petitioner

And

Union of India, rep., by its Deputy
Secretary, Ministry of Road Transport
And Highways, Central Secretariat,
New Delhi and others .. Respondents



This Court passed the following order:

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ORDER:

Heard.

2. Petitioner claims to be the owner of land to an extent of Acs.9.33 cents located in Survey Nos.241-1B2, 242-1B2, 241/2B, 241/3, 243/2, 243/3 and 243/1 of Krishnavaram Village, Yeleshwaram Mandal, East Godavari District. According to petitioner, the said land was converted into non-agricultural purpose and started PKR Projects and Engineers Industry. It is a stone crusher factory along with stockyard for storage of material. Petitioner also constructed some buildings for industrial purpose. A portion of the land, which is vacant, is leased out to some other person on the backside of the said premises. The said piece of land is located nearer to the National Highway and except through the National Highway, there is no other way to enter into the said premises.

3. While so, on 29.06.2018, a notification under Section 3A (1) of the National Highways Act was issued expressing the desire to acquire the land for public purpose. The said notification also included the land belonging to the petitioner. Though the acquisition is confined to Ac.1.36 cents of petitioner's land, however, petitioner alleges that the land identified for acquisition, if implemented, would totally obstruct the right of way into the balance land of the petitioner. Thus, on 24.09.2018, petitioner filed detailed objections to the Revenue Divisional Officer, who is the Land Acquisition Officer, informing him that in the event of

acquiring land to the extent proposed, it would be totally obstructing the ingress and egress to his land making the balance land totally inaccessible and that is not valid. Alleging that without considering the said objections and without taking a decision, the respondent authorities are going ahead to utilize the land and totally blocking the ingress and egress, this Writ Petition is filed. These are all matters for consideration by the competent authority.

4. Apparently, the petitioner filed objections informing the Revenue Divisional Officer about the hardship that is likely to cause him. If the extent of land proposed by the National Highways Authority is acquired depriving the ingress and egress, it would be amounting to depriving the right of enjoyment of remaining extent of land of the petitioner.

5. In view of the same, the Land Acquisition Officer is directed to conduct physical inspection of the land of the petitioner and after duly taking note of the objections filed by petitioner, the Land Acquisition Officer shall pass appropriate orders. If the contention of the petitioner is valid and there is no other means of providing ingress and egress to the land, he has to take suitable steps to ensure that petitioner should not be deprived of ingress and egress to the remaining extent of land or any other arrangement be made as required in law. Without taking appropriate decision, as directed above, petitioner cannot be deprived of his enjoyment for the remaining extent of land. In the process of consideration of the objections, the Land Acquisition Officer is also directed to take into consideration the report submitted by the Mandal Surveyor on

24.09.2018. The decision shall be taken after conducting physical inspection in the presence of the petitioner within a period of four weeks from the date of receipt of a copy of the order.

6. The Writ Petition is accordingly disposed of. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:22.11.2018

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