

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.17880 OF 2019

Date:20.08.2019

Between:

Mukund Anthaiah, S/o. Late Lalaiah,
Aged about 75 years, Occ: Agriculture,
R/o. Nazeerabad Village, Pargi Mandal,
Vikarabad District and another

.. Petitioners

And

The Union of India, rep., by its Secretary,
Ministry of Road, Transport and Highways,
Parliament Street, New Delhi and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.17880 OF 2019****ORDER:**

Heard learned counsel for the petitioners, learned Government Pleader for Land Acquisition and learned standing counsel for NHAI.

2. First petitioner claims to be the pattadar of agricultural land to an extent of Acs.2.30 guntas and Ac.0.30 guntas in Survey Nos.164/A and 165/A and second petitioner is the pattadar of land to an extent of Ac.2.30 guntas and Ac.0.30 guntas in Survey Nos.164/E and 165/E of Nazeerabad Village, Pargi Mandal, Vikarabad District. Petitioners allege that respondents are trying to dispossess them and utilize the subject lands for widening of National Highway, without following the due process and without paying the compensation. Hence, this Writ Petition.

3. Learned standing counsel for NHAI informs the Court that Central Government authorized the State Government to undertake acquisition of the requisite land to widen the National Highway. Accordingly, the Revenue Divisional Officer, Vikarabad Division, the 6th respondent, has initiated steps to acquire the land required for the purpose of widening the National Highway.

4. On instructions, learned Government Pleader for Land Acquisition submits that the Revenue Divisional Officer/Land Acquisition Officer, Vikarabad Division, Vikarabad, the 6th respondent, informed that notification was issued under Section 3-A of the National Highways Act, 1956 but the land of the

petitioners is not coming under acquisition, therefore, no steps are taken to acquire the same.

5. According to learned Government Pleader, land of the petitioners is not required for widening of the road. It is also made clear that in the land acquisition notification, land claimed by the petitioners is not included.

6. In view of the categorical assertion of the 6th respondent that land of the petitioners is not required for widening of the National Highways and that no steps are taken for acquiring the said land, Writ Petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the land of the petitioners in Survey Nos.164/A and 165/A (Acs.2.30 guntas and Ac.0.30 guntas) and 164/E and 165/E (Acs.2.30 guntas and Ac.0.30 guntas) of Nazeerabad Village, Vikarabad District, without following due process. Miscellaneous petitions, if any, shall stand closed.

Date:20.08.2019

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P. NAVEEN RAO, J