

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.17805 OF 2019

Date:20.08.2019

Between:

Mukund Govindu, S/o. Late Lalaiah,
Aged about 58 years, Occ: Agriculture,
R/o. Nazeerabad Village, Pargi Mandal,
Vikarabad District and others

.. 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.17805 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 Ac.0.31 guntas in Survey Nos.165/EE, his son/second petitioner herein is pattadar of land admeasuring Ac.1.15 guntas in Survey No.164/EE1 and another son/third petitioner herein is pattadar of land admeasuring Ac.1.15 guntas in Survey Nos.164/EE2, in all Acs.03.21 guntas of agricultural land, situated at 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.165/EE (Ac.0.31 guntas), 164/EE1 (Ac.1.15 guntas) and 164/EE2 (Ac.0.15 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