

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.26816 of 2019

ORDER:

Petitioners assert that they are the owners of various extents of land in Survey Nos.56 and 57 of Narayankhed, Sanga Reddy District; that the respondent authorities issued a notification for acquisition of land in Survey Nos.55 and 57/1 for the purpose of widening National Highway No.161-B; that thereafter, yet another notification was issued on 08.08.2019 for acquisition of the land in Survey No.57, but, there is no proposal to acquire any part of the land in Survey No.56 and that at the instance of local politician, alignment is sought to be changed to save the land in Survey No.55 and the authorities are in the process of undertaking the work and survey has been conducted. In the circumstances, they seek a mandamus to respondent Nos.2 to 5 not to interfere with the possession of the petitioners over the subject land.

Learned Government Pleader for Revenue appearing for respondent Nos.1 to 4 placed before this Court the written instructions received from the Land Acquisition Officer & Revenue Divisional Officer, Narayankhed Division, wherein it is stated that the villagers of Narayankhed, Nizampet, Banapur of Narayankhed Mandal and Munigepally of Kalher Mandal, have prevented PEG marking for the purpose of determining the preliminary alignment of the road, as such, PEG marking has been stopped; that a fresh notification has been issued with respect to the land in Survey

No.56, as, part of the land in the said survey number is also required for the purpose of widening the national highway and that unless PEG marking is completed, it would be difficult for the respondent authorities to come to a conclusion as to the extent of land required for acquisition.

As a matter of fact, as on date, no notification under Section 3A of the National Highways Act (for short 'the Act') has been issued. Under the Act, process of acquisition of land for the purpose of widening national highway commences only after issuance of notification and thereafter, the respondent authorities would be entitled to carryout inspection, survey, measurement, valuation or enquiry etc., as specified under Section 3B of the Act. After issuance of the notification, the affected parties/persons interested may file their objections and the Land Acquisition Officer is required to consider the same.

Admittedly, as of date, no notification is issued, as such, possession of the petitioners over the subject land shall not be interfered with without following due process of law. It is made clear that for the purpose of survey and demarcation or for preliminary assessment, if the authorities are required to cause any inspection, the same cannot be prevented by anyone, as, it is only for a limited purpose of assessment with respect to the land that may be required to be notified under Section 3A of the Act and it would prevent the authorities from acquiring more than the land required for the purpose of the road widening.

Subject to the above, the writ petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:11.12.2019

kdl

