

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

**WEDNESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

**THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR
WRIT PETITION NO: 1764 OF 2023**

Between:

Dachapally Madhav, S/o. Late Ramulu, Occ. Agri, Business R/o. H. No. 5-494/13C,
Choutuppal Village Yadadri-Bhongir District

...Petitioner

AND

1. The Union of India, Rep by its Under Secretary Ministry of Shipping, Roads Transport and National Highways Dept., of RT Highways Authority (NHAI) Act. 1956, Sastry Bhavan, New Delhi.
2. The National Highway Authority of India (NHAI), Rep by its Chairman (NHAI), HQ. G 5 and 6, Sector 10, Dwarka, New Delhi- 110 075
3. The State of Telangana, Rep. by the N. Secretary, Transport R and B Department, (R-11) Secretariat Buildings, Saifabad, Hyderabad
4. The State of Telangana, Rep by its Principal Secretary, Revenue Department, (L and A) Secretariat Buildings, Saifabad, Hyderabad
5. The District Collector, (LA/Choutupal) Laning NH-9 (HYD TO VIJAYAWADA) Yadadri Bhongir district Erstwhile Nalgonda district
6. The Competant Authority/LA/RDO, Yadadri Bhongir District Erstwhile Nalgonda district, (LA/Choutupal) Laning NH-9 (HYD TO VIJAYAWADA) Yadadri Bhongir district Erstwhile Nalgonda district
7. The project Director, NHAI, Yadadri Bhongir district Erstwhile Nalgonda district, (LA/Choutupal) Laning NH-9 (HYD TO VIJAYAWADA) Yadadri Bhongir district Erstwhile Nalgonda district
8. The Principal District Judge, Nalgonda Nalgonda district
9. Kasoju Narasimha, S/o. Late Kasoju Venkaiah, Aged about 56 years, Occ. Agriculture R/o. H.No. 5-416/4/C Hanuman Nagar, Choutuppal Village and Mandal, Yadadri Bhongir District.
10. Akkaram Bhagyamma, W/o. Narsimha Chary Aged about 52 years, Occ. Household R/o. H.No. 5-416/4/C, Hanuman Nagar, Choutuppal Village and Mandal, Yadadri Bhongir District.
11. Kompally Narmada, W/o. Venkat Chary, Aged about 49 years, Occ. Household, R/o.H.No.17-10, Huzum Nagar Village, and Mandal, Nalgonda District.
12. Rachakonda Kousalya, W/o Laxmaiah Chary, Aged about 48 years, Occ. Household R/o. H.No.4-61/5 Keshampet Village, And Mandal, Mahabubnagar District.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Certiorari calling for the records pertains to the Award and Decree passed in LAOP. No.431 of 2011, dt.27/08/2019 on the file of the court of the 8th respondent herein in pursuance to the Award No. B/507/2009-1, dt.11/06/2010 and quash the Award and Decree passed in

LAOP. No.431 of 2011, dt.27/08/2019, as it is illegal, improper in so far as the respondents 9 to 12 herein as they are not eligible to withdraw the compensation amount as ordered in the above mentioned Award a Decree as father of the said late Kasoju Venkaiah respondents 9 to 12 herein had sold away the said property Ac. 5.3 guntas in Sy. No. 358, situated at Chouttapal village and Mandal, Yadadri Bhovangir district, (erstwhile Nalgonda district) and declare the above respondents 9 to 12 are not entitled / withdraw the compensation amount which was award in the LAOP. No.431 of 2011, dt.27/08/2019 on the file of the court of the 8th respondent herein,

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to dispense with of filing certified copy of the Award and Decree passed in LAOP. No.431 of 2011, dt.27/08/2019 on the file of the court of the 8th respondent herein in pursuance to the Award No.B/507/2009-1, dt.11/06/2010 for the present in the interest of justice.

IA NO: 2 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of all further Proceedings in pursuance to the award and Decree passed in LAOP NO. 431 of 2011, dt.27/08/2019, on the file of the 8th respondent herein in connection with the 6th respondent herein in Award Proc NO. B/507/2009-1, DT.11/06/2010, including disbursement of the awarded amount to the respondent No. 9 to 12 herein (who are the Kasoju Venkaiah died who is claimant No.1) (LRs herein are 9 to 12) and also in award at SL.No.1 of Sy. No. 358 for the land extent of 333.75 Sq. Meters in the above subject land acquired by the R-2 and as well 7,

Counsel for the Petitioner(s):SRI. BANKATLAL MANDHANI

Counsel for the Respondent 1: SRL GADI PRAVEEN KUMAR (Dy. SOLICITOR GENERAL OF INDIA)

Counsel for the Respondents 2 & 7: SRL PADMA RAO LAKKARAJU (SC FOR NHAI)

Counsel for the Respondent s 4 to 6: GP FOR LAND ACQUISITION

Counsel for the Respondent 3: GP FOR ROADS BUILDINGS

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.1764 OF 2023

ORDER:

This Writ Pctition is filed seeking a Writ of Certiorari calling for the records pertaining to the Award and Decree passed in L.A.O.P.No.431 of 2011, dated 27.08.2019 on the file of the Court of the Principal District Judge at Nalgonda and to quash the same.

2. This Court, having heard the learned counsel for the petitioner at length, is of the considered view as to how the Writ Petition can be filed seeking a Writ of Certiorari against an Award and Decree passed by the competent civil Court on a reference made under the provisions of the National Highways Act, 1956. Against any Decree passed by any competent civil Court, there is a remedy of appeal available under Section 96 of the Code of Civil Procedure and the petitioner, instead of availing such remedy, invoked the extraordinary jurisdiction of this Court under the Article 226 of the Constitution of India. This Court is of the considered view that such a relief, as noted above, cannot be granted.

3. Accordingly, the Writ Pctition is dismissed with a liberty to the petitioner to avail the remedies available under Law.

As a sequel, miscellaneous petitions, pending if any in this Writ Petition, shall stand dismissed.

SD/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. One CC to SRI. BANKATLAL MANDHANI, Advocate [OPUC]
2. One CC to SRI. GADI PRAVEEN KUMAR (Dy. SOLICITOR GENERAL OF INDIA) Advocate [OPUC]
3. One CC to SRI. PADMA RAO LAKKARAJU (SC FOR NHAI), High Court at Hyderabad [OPUC]
4. Two CC to GP FOR ROADS BUILDINGS, High Court at Hyderabad [OPUC]
5. Two CC to GP FOR LAND ACQUISITION, High Court at Hyderabad [OPUC]
6. Two CD Copies

HIGH COURT

MSK,J

DATED:08/02/2023



ORDER

WP.No.1764 of 2023

**WP IS DISMISSED OF
WITHOUT COSTS**