APHC010533752026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

Bench Sr.No:-14 [3584]

WP(PIL) NO: 235 of 2026

Govardhana Girishwara Devasthnam Trust and another ...Petitioner(s)

Vs.

Union Of India and Others ...Respondent(s)

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CORAM : THE CHIEF JUSTICE LISA GILL
SRI JUSTICE CHALLA GUNARANJAN

DATE : 8th October 2026

Present :

Advocate for Petitioner(s): Mr. Patanjali Pamidighantam

Advocate(s) for Respondent(s): Mr. Thandava Yogesh, Standing Counsel for NHAI

LISA GILL, CJ:

Present writ petition has been filed by Govardhana Girishwara Devasthnam Trust purportedly in public interest with following prayer:

> "..issue appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of Respondent Nos. 1 to 3 and 9 in proceeding with and finalizing the Interchange at KM 86 + 180 of NH-716B near Appalaraju Kandriga, Sankarapuram, Karur, without duly considering the alternative location at KM 83.000 / KM 83.200 at Govardhanagiri Limited Vertical Underpass (LVUP) (Limited Vertical Underpass Junction), as arbitrary, unreasonable and contrary to the principles of fair and informed administrative decision-making and consequently direct the respondent Authorities:
>
> a) to undertake a detailed comparative technical, traffic, environmental, social and financial feasibility study of the proposed locations at KM 83.000 / KM 83.200 (Govardhanagiri Limited Vertical Underpass (LVUP) Junction) and KM 86 + 180 (Sankarapuram, Appalaraju Kandriga);
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> b) to conduct an on-site inspection through a competent Committee comprising appropriate representatives of NHAI and the concerned

departments, and to examine the feasibility of the alternative alignment at KM 83.000 / KM 83.200 ;

c) to consider the availability and voluntary offer of land by local landowners the extent of displacement of existing habitation proximity to forest areas river-crossing requirements, estimated project cost, traffic utility, emergency connectivity and connectivity to NH-716A and other important destinations;

d) to obtain and verify all statutory environmental forest permissions and clearances, wherever applicable, before undertaking any work having an impact upon forest land or protected ecological areas;

e) to pass a reasoned and speaking order upon the representations submitted by the Petitioners and other affected members of the public;

f) upon such comparative assessment and subject to technical feasibility and statutory approvals to take an appropriate decision regarding establishment of an Interchange at KM 83.000 / KM 83.200 (Govardhanagiri Limited Vertical Underpass (LVUP) Junction) in accordance with law..”

2. It is submitted that respondent National Highways Authority of India (NHAI) has undertaken development of six-lane greenfield Chittoor-Thatchur Highway forming part of NH 716-B as an access controlled corridor intended to provide improved connectivity between Chittoor region and Thatchur/Chennai and surrounding industrial and port infrastructure. Project provides for various grade-separated structures, underpasses, interchanges and other access facilities at identified locations. It is stated that alternative location suggested by petitioners for interchange has potential significance for connectivity between Sri City SEZ, Satish Dhawan Space Center SHAR, Sriharikota besides other industrial and commercial destinations.

3. Furthermore, this alternative location suggested by petitioner in Tirupati District shall provide a shorter, direct and convenient route to surrounding population, pilgrims, tourists, industrial commuters, transporters and general public instead of compelling them to undertake longer and circuitous journeys.

It shall also facilitate better movement between NH 716, NH 716-B, NH 716-A and NH-16, thus improving regional and interstate connectivity. It is further submitted that petitioners, who are landowners in vicinity of proposed alternative location, are ready and willing to make available their land for said changed location.

4. Mr. Thandava Yogesh, Advocate, representing respondent NHAI, was called upon to seek instructions in respect to averments made on behalf of the petitioners.

5. Learned counsel for NHAI, while referring to written instructions dated 07.10.2026, has sought dismissal of present petition. It is stated that petitioners are in fact interested landowners seeking an exit beside their own temple and lands. It is submitted that petitioners ask for an interchange, which is directly adjacent to Govardhanagiri temple, which is first petitioner's own temple still under construction. It is stated that petitioners both offer up to one acre free of cost for ramps, which depends on exit being placed where it would raise value of their own lands and temple. Present writ petition should thus be dismissed on this ground itself.

6. It is further submitted that it was only after a proper accessibility study and recommendation that NHAI headquarters afforded in-principle approval and Competent Authority for Land Acquisition (CALA) was asked on 23.02.2026 to start acquiring additional land. Notification dated 20.07.2026, was issued under Section 3A of the National Highways Act, 1956 (for short,

‘the Act’) for 3.49 hectares. No objection whatsoever had been filed by petitioners or anyone else under section 3C of the Act within statutory period. Proposal under Section 3D of the Act received from CALA is under process for notification. Petitioners had submitted their representation (Annexure P-1) after period for submitting objections was over.

7. It is further stated that six-lane access controlled greenfield Chittoor-Thatchur Highway NH 716-B is being built under Bharat Mala Pariyojana. Package-III runs from KM 61.380 to KM 96.040 in the State of Andhra Pradesh. All entry and exit points on access controlled corridor are fixed at suitable locations after a thorough technical feasibility study. Access cannot be given at every point. Moreover, Independent Engineer (IE) recommended interchange at kilometre 86 + 180 after an accessibility study of area’s connectivity needs. This location is nearest suitable access to APIIC zone and connects through existing road network towards Tirupati, Sri City and Sriharikota.

8. Learned counsel for NHAI denied that there would be displacement of 22 houses and 140 voters of Appalaraju Kandrika, because land required is mainly agricultural and there is no proposal to displace the habitation. Persons affected, if so, have not submitted any objections after issuance of notification under section 3A of the Act.

9. Furthermore, no forest land is included in acquisition and there is no question of any environmental impact as such and there is no requirement of

a major or a long span bridge as averred by petitioners whereas at proposed location, a major bridge would be required. It is denied that there is no entry or exit in Tirupati District as such because KM 86 + 180 itself is in Pichatur Mandal, Tirupati District. Dismissal of petition was thus sought. Written instructions dated 07.10.2026 are taken on record subject to just exceptions.

10. We heard learned counsel for parties at length and have perused the file with their assistance.

11. Learned counsel for petitioners was at pains to submit that proposed location, as suggested by petitioners, is a better and shorter alternative. Learned counsel for petitioners vehemently argued that petitioner No.1 is a charitable trust and there is no question of any private interest, as petitioner No.1 works only for larger public good.

12. We do not find any merit in argument raised by learned counsel for petitioners that merely because petitioner No.1 is a charitable trust, there can be no private interest involved in the matter. It is a matter of record that petitioners are landowners in vicinity of proposed alternative location. Learned counsel for petitioners has been unable to point out any ground whatsoever, which is sufficient to cast a doubt on the alignment as planned by respondent NHAI. We have carefully perused the site plan referred to by learned counsel for petitioners as well but the same does not come to rescue of petitioners and to the contrary lends credence to stand of respondents.

13. It is the specific case of respondent that it is only after a proper feasibility and accessibility study conducted by Independent Engineer (IE) and as approved by NHAI headquarters that notification under section 3A of the Act has been issued and that there is no displacement of habitation. No wildlife or environmental issues have been identified at KM 86 + 180 and said interchange does not cross any river, stream, canal or major water body. No major or long-span bridge is proposed.

14. It is pertinent to note at this juncture that Hon'ble the Supreme Court in the case of **Union of India v. Kushala Shetty and others**[1] held that NHAI is a professionally managed statutory body having expertise in field of development and maintenance of National Highways and that judicial intervention in projects should be carried out in rarest of rare cases, if it is found that the project is *ex facie* contrary to mandate of law or tainted due to mala fides. Relevant portion of said judgment reads as under:

> "28. Here, it will be apposite to mention that NHAI is a professionally managed statutory body having expertise in the field of development and maintenance of national highways. The projects involving construction of new highways and widening and development of the existing highways, which are vital for the development of infrastructure in the country, are entrusted to experts in the field of highways. It comprises of persons having vast knowledge and expertise in the field of highway development and maintenance. NHAI prepares and implements projects relating to development and maintenance of national highways after thorough study by experts in different fields. Detailed project reports are prepared keeping in view the relative factors including intensity of heavy vehicular traffic and larger public interest. The courts are not at all equipped to decide upon the viability and feasibility of the particular project and whether the particular alignment would subserve the larger public interest. In such matters, the scope of judicial review is very limited. The court can nullify the acquisition of land and, in the rarest of rare cases, the particular project, if it is found to be ex facie contrary to the mandate of law or tainted due to mala fides. In the case in hand, neither has any violation of mandate of the 1956 Act been

[1] (2011) 12 SCC 69

established nor has the charge of malice in fact been proved. Therefore, the order under challenge cannot be sustained."

15. As noted in earlier paras, no such ground has been pointed out by petitioners, which would persuade us to cause interference. We also do not find any ground to direct respondents to consider representation dated 02.09.2026 submitted by petitioners, as has been suggested by learned counsel for petitioners, who states that final notification under section 3D of the Act has still not been issued, therefore, his representation should be considered. Such a direction, at this stage, in given factual matrix is not called for.

16. Writ Petition is accordingly dismissed being devoid of any merit. No costs.

Pending miscellaneous applications, if any, shall stand closed.

LISA GILL, CJ

CHALLA GUNARANJAN, J

akn

Whether the order is Speaking/Reasoned : Yes / No

Whether the order is Reportable : Yes / No

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HON'BLE MRS.JUSTICE LISA GILL, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE CHALLA GUNARANJAN

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DATE : 08.10.2026

AKN