IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 11752 OF 2023

Between:

Talasani Sravan Reddy, S/o. Talasani Sekhara Reddy, aged about 35 Years, R/o. Kalvakurthy Village and Mandal, Nagar Kurnool District.

...PETITIONER

AND

1. Union of India, Ministry of Roads, rep. by its Regional Officer, Transport and Highways, Regional Office, R & B Building complex, Erra Manzil, Hyderabad.
2. The Engineer-in-Chief (Roads & Buildings), National Highways, CRF Building, Hyderabad.
3. The National Highway Authority of India, rep. by its Chairperson, Sector- 10, Dwaraka, New Delhi
4. The Revenue Divisional Officer-Competent Authority, Kalvakukrthy Division, Nagarkurnool 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 of Mandamus or any other appropriate writ declaring that the action of the 4th respondent contained in file No. E/268/2022 (Endorsement) dated Nil/10/2022 in not deciding the objections of the petitioner dated 17.10.2022 and only redirecting to the petitioner to other officers for the information, particularly in not deciding the objections that the Kalvakurthy byepass road as per the final DPR Map commences from channel 76/400 and not CH 76/100 and hence acquisition of the land of the petitioner admeasuring one acre in Sy.No.509 of Kotra village, Mandal, is totally unnecessary and unwanted and hence the final notification issued under

section 3D of the Act by including the land of the petitioner in Sy.No.509 of Kotrasivar village for the purpose of laying of Kalvakurthy byepass road on NH No. 167K is arbitrary illegal, and unjustified and set aside the final notification issued under section 3D of the act to the extent it includes the land of the petitioner in Sy.No.509 of Kotra Village, Veldanda Mandal, Nagarkurhnool district is arbitrary and illegal and consequently direct the Respondents to delete the acquisition of the land of the petitioner in Sy.No. 509, Kotrasivar Village, Veldanda Mandal, Nagarkurnool District for the purpose of Kalvakurthy byepass road formation on NH No.167K and direct the respondents not to interfere with the possession and enjoyment of the Petitioner and his family members over the land admeasuring one acre in Sy.No.509, Kotrasivar Village, Veldanda Mandal, Nagar kurnool District.

I.A. 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 direct the respondents not to utilise/consume the land of the petitioner i.e. 25 guntas from out of one acre in SY.No. 509 of Kotrasivar Village, Veldanda Mandal, Nagarkurnool district for the purpose of the Kalvakurthy byepass road on NH-167K, pending disposal of the Writ Petition.

I.A. NO: 1 OF 2026

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 recall/set aside the order dated 09.04.2026 made in I.A.No.1 of 2024 in W.P.No.11752 of 2023 and give a fresh hearing on the vacate petition filed by the respondents or in the alternative adjudicate the main writ petition itself on the grounds raised in the writ petition.

I.A. NO: 2 OF 2026

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 direct the respondents not to acquire/consume the land of the petitioner admeasuring 25

guntas our of Ac.1-00 in Sy.No.509 of Kotrasivar Village, Veldanda Mandal, Nagarkurnool District, pending disposal of the writ petition.

I.A. NO: 2 OF 2024

Between:

The Engineer-in-Chief (Roads & Buildings), National Highways, CRF Building, Hyderabad.

...PETITIONER

AND

1. Talasani Sravan Reddy, S/o. Talasani Sekhara Reddy, aged about 35 Years, R/o. Kalvakurthy Village and Mandal, Nagar Kurnool District.
2. Union of India, Ministry of Roads, rep. by its Regional Officer, Transport and Highways, Regional Office, R & B Building complex, Erra Manzil, Hyderabad.
3. The National Highway Authority of India, rep. by its Chairperson, Sector- 10, Dwaraka, New Delhi
4. The Revenue Divisional Officer-Competent Authority, Kalvakukrthy Division, Nagarkurnool District.

...RESPONDENTS

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 vacate the interim orders passed in W.P.No.11752 of 2023, (NBA) dt: 26.04.2023, pending disposal of the writ petition.

Counsel for the Petitioner: SRI VEDULA VENKATA RAMANA, Sr. COUNSEL, REP. SRI D.B.CHAITANYA

Counsel for the Respondent No.1: SRI N.BHUJANGA RAO, DEPUTY SOLICITOR GENERIAL OF INDIA

Counsel for the Respondent No.2 & 3: SRI P.HARINATH GUPTA

Counsel for the Respondent No.4: AGP FOR REVENUE

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.11752 of 2023
(CNR.No.HBHC010215722023)
DATE OF ORDER: 26.10.2026

Reserved on: 29.04.2026 **Pronounced on : 26.10.2026**

Uploaded on : 02.11.2026

Between:

Talasani Sravan Reddy, S/o. Talasani Sekhara Reddy

...Petitioner

AND

Union of India, Ministry of Roads,
Rep. by its Regional Officer,
Transport and Highways, Regional Office,
R & B Building Complex,
Erra Manzil, Hyderabad & 3 others

...Respondents

ORDER:

This writ petition is filed questioning the endorsement issued by respondent No.4 in File No.E/268/2022 (Endorsement), dated Nil/10/2022 in not deciding the objections of the petitioner dated 17.10.2022 and redirecting the petitioner to other officers for information, regarding the Kalvakurthy byepass road, as per the final DPR map commencing from CH 76/400 and not CH 76/100 and accordingly the acquisition of the land of the petitioner admeasuring

Ac.1-00 guntas in Survey No.509 of Kotrasivar Village, Veldanda Mandal, Nagarkurnool District is totally unnecessary and unwarranted. A consequential prayer is sought to declare the notification issued under Section 3D of the Act by including the petitioner's land in Survey No.509 of Kotrasivar Village for the purpose of laying of Kalvakurthy byepass road on NH No. 167K as arbitrary and illegal.

2. Heard Mr. Vedula Venkataramana, learned Senior Counsel appearing on behalf of Mr. D.B.Chaitanya, learned counsel for the petitioner, Mr. P.Harinath Gupta, learned counsel appearing for respondent Nos.2 and 3 and learned Government Pleader for Revenue appearing for respondent No.4 and perused the material made available on the record.

3. Facts giving rise to the filing of this writ petition in brief as stated are that the petitioner's name was recorded as owner and pattadar along with his family members on a converted agricultural land admeasuring Ac.1-00 guntas in Survey No.509 of Kotrasivar Village, Veldanda Mandal, Nagarkurnool District (hereinafter referred as "subject land"). The petitioner's father had earlier filed W.P.No.27864 of 2022 before this Court questioning the action of respondents therein in attempting to consume the subject land of the petitioner and his family members situated in Sy.No.509/EE-E/2 of Kotrasivar, Veldanda Mandal, Nagarkurnool District. This Court by

an order dated 14.07.2022 disposed of the writ petition directing respondent Nos 1 and 2 therein not to dispossess the petitioner in any manner from the subject land. However, liberty was granted to respondent Nos 1 and 2 to take steps for acquisition of the land of the petitioner strictly in accordance with law.

4. The petitioner submits that Section 3A(2) of the Act requires issuance of the notification for acquisition for public purpose required for operation of National Highways or part thereof in the Official Gazette and that every notification shall give a brief description of the land sought for acquisition and Section 3C of the Act requires hearing of objections by the competent Authority (Revenue Divisional Officer) i.e. respondent No.4 herein.

5. The respondent No.4 has issued notice dated 07.10.2022 referring to Gazette Notification issued under Section 3(A), dated 10.07.2022 and informed the petitioner about the hearing of objections on 17.10.2022. The petitioner attended the hearing on the said date and submitted his objections to respondent No.4. It is further submitted that, as per Section 3C(3) of the Act, the respondent No.4 is obligated to pass orders on the petitioner's objections and communicate the same to the petitioner.

6. It is the case of the petitioner that the respondent No.4 instead of deciding the petitioner's objections, had issued the impugned endorsement in File No.E/268/2022, dated Nil/10/2022 and though

referring to the petitioner's objections, had not decided any of the objections and when the petitioner was awaiting for a speaking order, the respondent No.4 had issued notification under Section 3D of the Act, published in Namasthe Telangana News Paper on 13.04.2023. It is further submitted that the Kalvakurthy byepass, as per the final map starts from CH 76/400, however as per the plan commences from CH 76/100 and if the byepass road starts from CH 76/400, the petitioner's land will not be affected at all. The petitioner requested respondent No.4 to furnish the relevant plans, as to how the byepass is being commenced from CH 76/100, when the final map discloses that it starts from CH 76/400 and in the said circumstances the petitioner's land is unnecessary for Kalvakurthy byepass on NH No. 167K, as it commences from CH 76/400. It is further submitted that the respondent No.4 has not adjudicated the petitioner's objections and the final notification was issued under Section 3D of the Act, in which the petitioner's land in Survey No.509 was included.

7. The main grievance of the petitioner is that when the byepass road starts from CH 76/400, there is no necessity to acquire the petitioner's land. In the absence of consideration of the objections submitted by the petitioner in a true perspective, the final declaration issued under Section 3D of the Act is illegal. Questioning the endorsement issued by respondent No.4, dated Nil/10/2022 in File No.E/268/2022, the present writ petition is filed.

8. This Court by an interim order dated 26.04.2023, by observing that the impugned endorsement is bereft of reasons and not answered the objections raised by the petitioner, granted interim direction, as prayed for. Subsequently, this Court by an order dated 09.04.2026 has vacated the interim order dated 26.04.2023. Thereafter, the petitioner carried the matter in W.A.No.474 of 2026. A Division Bench of this Court by an order dated 24.04.2026 has disposed of the writ appeal granting an opportunity to the appellant to file an application seeking modification or recall of the interim order and further directed to maintain *status quo* till 29.04.2026. Thereafter, on the directions of the Division Bench of this Court, the petitioner filed an application in I.A.No.1 of 2026 to recall / set aside the order dated 09.04.2026 made in I.A.No.1 of 2024 in W.P.No.11752 of 2023 and give a fresh hearing on the vacate petition or adjudicate the main writ petition itself on the grounds raised in the writ petition. In view of the same, the present writ petition has been taken up for final hearing.

9. The respondent No.4 filed counter and would submit that Government of India has sanctioned the subject road work *vide* Gazette S.O. 4022 (E), dated 6th November, and as per the alignment the newly proposed NH No.167K of Kalvakurthy-Karivena road connecting village of Kotra, Kalvakurthy, Kurmidda, Tharnikal, Suddakal, Medipur, Tadoor, Desitkyal, Peddamudunur, Peddakothapally, Kalwakol, Waridyal, Chotabela, Nagarkurnool, Kollapur, Rampur in the State of Telangana and Mandugula

Sivapuram Karivena for public use and terminates at its junction with NH-40 near Nandyal and the Detailed Project Report (for short "DPR") was approved and communicated for "widening to two lane with paved shoulders from KM 0/000 to KM 79/300 of Kalwakurthy – Kollapur Section of NH No. 167K in the State of Telangana under Annual Plan 2021-22 on EPC mode for an amount of Rs.886.69 Crores for a length of 79.30 Kms as per proceedings bearing Lr.No.RW/HYD/NH167K/Kalwakurthy/I/4012140/2022, dated 31.03.2022. The scope of the work is to widen the road to two lane with paved shoulders including Vehicle Under Pass (VUP) along with side drains, foot paths, central median and central lighting within R & B Right of Way of 100' (i.e. 50' on both sides) from Kalwakurthy to Kollapur on NH No.167K and out of 79.300 Kms in length, the land acquisition is required in the length of 26.467 kms to an extent of 146.87 Ha beyond the ROW of National Highway for curve improvements, realignment, bye-passes and toll plaza. Thereafter, the Executive Engineer, National Highway Authority, Kalwakurthy *vide* letter No.EE (R&B/NH/KKTY (NH-167K) 3A/2022, dated 29.03.2023 has sent requisition proposal for acquisition of the subject land. The Government of India has published Gazette Notification under Section 3(A) of the Act, dated 10.03.2022 authorizing the Revenue Divisional Officer, Kalwakurthy Division - respondent No.4 as the Competent Authority for Land Acquisition (CALA) in the stretch from Km.0+0 to Km.20+450 of Kalwakurthy -Kollapur Section of NH No.167K.

Accordingly, a preliminary notification was issued under Section 3(A) of Act *vide* Gazette of India, dated 01.09.2022 for the acquisition of land for an extent of 47.9627 Hectors. The subject 3(A) notification was published in Namaste Telangana and Hindu local newspapers both on 21.09.2022. It is further submitted that in the proposed 3(A) Notification, there are about 615 land losers, out of which, the petitioner alone has filed the objection petition on 23.09.2022. The CALA / Revenue Divisional Officer, Kalvakurthy (respondent No.4) issued notice to the petitioner for personal hearing on 17.10.2022. The respondent No.4 clarified the objections raised by the petitioner. Further, the petitioner raised some more objections on 17.10.2022 after 21 days of stipulated time. Thereafter, the CALA – respondent No.4 has clarified the objections and the same was communicated *vide* letter endorsement on 21.10.2022 and alternative service was done on 05.12.2022. It is further submitted that 3A notification contains only details of survey number, extent and type of land and as per approved 3(D) Gazette Notification of India, dated 09.03.2023, the petitioner's land to an extent of 2529.2 square meters was published as non-agricultural land. It is further submitted that the information regarding alignment / survey of the Kalvakurthy byepass of NH No.167K was furnished through RTI reply to the petitioner *vide* Lr.No.DEE/NH/KKY/RTI/21/2022, dated 12.08.2022 and that the finalization of alignment will be done based on technical feasibility. It is further submitted that bye pass road starts diverting gradually from

CH 76/100 and completely diverts from existing road (Hyderabad to Srisailam) of NH No.765 at CH 76/400 and the same was communicated through RTI reply to the petitioner *vide* Lr.No.DEE/NH/KKY/RTI/21/2022, dated 12.08.2022. It is further submitted that the respondent No.4 has communicated the endorsement *vide* File No. E/268/2022, dated 21.10.2022 and *vide* File No. E/268/2022, dated 05.12.2022 and in the endorsement dated 05.12.2022, it was informed that DPR consultancy has furnished three options of alignments, however, the Ministry of Road Transport and Highways, Government of India approved 3rd alignment option. As per approved alignment, the bye pass road starts diverting gradually from CH 76/100 and completely diverts from existing road (Hyderabad to Srisailam) of NH No.765 at CH 76/400. The same was communicated to the petitioner through RTI reply duly enclosing the approved alignment *vide* Lr.No.DEE/NH/KKY/RTI/21/2022, dated 12.08.2022. In view of the same, the petitioner's request to start the bye pass from Km 76.400 of NH No.765 was disallowed. Further, the final declaration under Section 3D of the Act was published in Gazette of India, dated 09.03.2023, and published in the Namaste Telangana and the Hindu under Section 3G of the Act, 1956 on 13.04.2023. It is further submitted that the petitioner was granted personal hearing on 17.10.2022 and on the same day, the petitioner has raised some more objections and the same were considered and orders were passed on 20.10.2022 and 05.12.2022 elaborately dealing with all the objections

raised by the petitioner and when the said orders were sought to be served on the petitioner, the petitioner did not accept to receive said orders. However, the same were served by an alternative mode on 12.12.2022 after conducting panchanama.

10. A counter affidavit has been filed by respondent No.2 reiterating the details of acquisition proceedings, as submitted by respondent No.4. It is further submitted that for the aforementioned work, tenders were invited and work was entrusted to one M/s. RKIPL-KMV (JV) to complete the work with 24 months to widen the road to 2/4 – lane with paved shoulders including construction of side drains, foot paths, central median and central lighting with improvement to geometrics at some locations for curve improvements.

11. In addition to the submissions made by respondent No.4, the respondent No.2 further submitted that in terms of Section 3D (2) of the Act, 1956 that once the publication of the declaration under Sub-Section (1) is issued, the land shall vest absolutely in the Central Government free from all encumbrances and as per Section 3D (4) of the Act, 1956 a declaration made by the Central Government under Sub-Section (1) shall not be called in question in any Court or by any authority.

12. It is further submitted that, out of 615 land losers being affected in the said land acquisition, the petitioner alone has raised objections and approached this Court only with an intention to stall the process

of further land acquisition / construction works. It is further submitted that as the lands in Survey No.509/EE-E/2 falls under Kalvakurthy bye pass location of the highway, almost 95% of the land acquisition is completed under Kalvakurthy revenue division and due to unavailability of the land for a length of 200 meters, the construction work of the Highway is getting delayed and it has become a crucial issue, as the bye pass work is in brisk progress, even after 95% completion of Kalvakurthy bye pass road work and though huge amounts have been spent, the aforesaid road is not coming in to usage of public at large due to unavailability of the 200 meters length and there is no connectivity for the Kalvakurthy bye pass and the construction work on the Highways is getting delayed and eventually pray to dismiss the petition.

SUBMISSIONS:

13. Learned Senior Counsel appearing for the petitioner draws attention of this Court to the impugned endorsement bearing File No.E/268/2022, dated Nil.10.2022, wherein the objections of the petitioner are recorded. The same are extracted for reference:

> *"1) As per Final DPR Map the By-Pass Road start from NH 175.00 KM 76.400 Mts but as per 3(A) Notification the land acquisition will start from KM 76.100 due to which the land in Sy.No.509 will come for acquisition and requested to start By-Pass from NH 765 KM 76.400 as shown in the DPR Map.*

2) The final alignment of DPR NH 765 with copies of surveys conducted earlier in this regard was not provided earlier even after several request hence requested for supply of DPR NH 765.

3) As per 3(A) Notification in Sy.No.509 of Kotra Shivar the land to be acquired was shown in twice, but which area correct was not mention in the notification.

4) The land in Sy.No.509 of the petitioner as per record is a commercial land where as in 3(A) notification it was mention as agriculture lands. Hence, requested for its correction.

5) Provide By-Pass starting from KM 76.400 and its related survey copies and Maps along with reasons for starting By-Pass from KM 76.400."

Learned Senior Counsel would further submit that the petitioner has attended the meeting on 17.10.2022 and submitted another petition on the following points:

"a. The land in Survey No.509 of the petitioner is a commercial land though why this land was convenient for formation of By-pass road and to provide copies of survey conducted to this effect.

b. The land in Survey No.509 as per local market value is more than 5 Crores and requested for providing copies of all survey conducted for formation of By-pass road.

c. As per NH 765 final map, the road from CH 76/400 of Kalwakurthy By-pass road will start but as per notification the acquisition of land for formation of By-pass road is started from CH 76 / 100. Hence, requested for its clarification for change of area.

d. The land of the petitioner in Survey No.509 is quite adjacent to Hyderabad to Srisailam Highway and its

value of land is very high. Hence, requested for changing notification as commercial area.

e. To provide copies of marking for formation of By-pass road at Kalwakurthy."

Learned Senior Counsel refers to remarks by the Revenue Divisional Officer wherein the petitioner was informed with certain remarks on the objections. The same are extracted for reference:

"1) As per requisition and alignment received from E.E (R&B)/NH/Kalwakurthy vide reference 2nd cited, the 3(A) Notification was issued and the same was approved vide reference 5th cited.

2) The copies of final alignment in the Survey and other record may be obtained from the concerned authorities.

3) As per 3(A) Notification the area of Sy.No.509 was shown 0.9712 Hectors and 0.8093 Hectors as Agriculture and Non-Agriculture land respectively.

4) The 3(A) Notification was issued only showing with its details of Survey Number, Extent and type of land proposed for acquisition as per record,

5) The Revenue Divisional Officer, Kalwakurthy was appointed as CALA for acquisition of land due to formation of NH 167K and as per alignment received from requisition authority I.e., Executive Engineer (R&B) and National Highway Kalwakurthy the 3(A) Notification was issued hence the required records if any may be obtained from the concerned Authorities.

a) The Revenue Divisional Officer, Kalwakurthy was appointed as CALA vide reference 1st cited, for acquisition of road coming under By-Pass Road 167 K and 3(A) Notification was issued as per alignment received from requisition authority i.e., Executive Engineer (R&B) and National Highway.

b) As per alignment received from requisition authority the 3(A) Notification was issued. The required alignment Record maybe obtained from the concerned.

c) As per alignment received from requisition authority the 3(A) Notification was issued. The required Record may be obtained from the concerned.

d) The 3(A) Notification was issued while showing details of Sy.Nos and its total extents coming under acquisition and its only was notified as per act.

e) As per alignment received from requisition authority the 3(A) Notification was issued. The required alignment information may be obtained from the concerned."

14. Learned Senior Counsel further draws attention to objection No.(c) stating that as per NH 765 final map, the road will start from CH 76/400 of Kalvakurthy By-pass road, but as per the Land Acquisition notification, the acquisition of land for formation of by-pass road starts from CH 76/100 and would submit that the respondent No.4 has to give clarification for the change of area. However, the same was not considered by respondent No.4 in his remarks on the objections made by the petitioner and by strictly applying NH No.765 final map, the petitioner's lands are not required.

15. Learned Senior Counsel for the petitioner refers to the various provisions of the Act and would submit that the respondents had not followed the provisions of Sections 3(A), 3(C) & 3(D) of the NH Act, 1956 and that the respondent authorities had not decided the objections of the petitioner and thereby violated the provisions of the Act, 1956.

16. Learned Government Pleader for Land Acquisition appearing for respondent No.4 draws attention to the endorsement dated 05.12.2022, wherein the respondent No.4 by giving para wise remarks to the objections made by the petitioner, denied the objections. The entire endorsement dated 05.12.2022 is extracted for reference:

GOVERNMENT OF TELANGANA
REVENUE DEPARTMENT

File No. E/268/2022 Date: 05-12-2022

ENDORSEMENT

Sub: Land Acquisition – NH-167K-Veldana Mandal – Kotra Village – UP-gradation to 2/4 lane with paved shoulders configuration of newly declared NH167K starting from NH167-K near Kalwakurthy to Nandyal-Endorsement – objections denied – Reg.

Ref: 1) CALA Appointment : 3(a) Gazette Notification 1091(E) No.1056, dated 10.03.2022.

2) EE (R&B)/NH/KKTY(NH-167K)3(A)/2022, dated 29.03.2022

3) The Gazette Publication of 3(A) Notification No. 4111(E) SO.No.3936(E), dated 01.09.2022

4) Objection petition received from Sri T.Sravan Reddy, R/o. Kalwakurthy, dated 23.09.2022

5) RDO, Kalwakurthy Office, Notice in File No.E/268/2022, dated 07.10.2022.

6) A/o. Sri T.Sravan Reddy, R/o. Kalwakurthy, dated 17.10.2022

7) RDO, Kalwakurthy Endorsement :- File No.E/268/2022, dt. 21.10.2022

8) RO MoRTH Hyd Lr.No.RW/HYD/NH167K/Kalwakurthy/777, Dt.21.01.2022 Alignment Approval Communicated

9) EE Lr.NO.EE/NH/KKY/NH 167/Klky – Kollapur/Endorsement Reply, Dt: 02-12-2022

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With reference to the subject and reference 9th cited, the Executive Engineer, NH Division, Kalwakurthy has furnished para wise replies as follows:

Sl.No.	Objection	Reply
1.	As per Final DPR Map the By-Pass Road start from NH 175.00 KM 76.400 Mts but as per 3(A) Notification the land acquisition will start from KM 76.100 due to which the land in Sy.No.509 will come for acquisition and requested to start By-Pass from NH 765 KM 76.400 as shown in the DPR Map.	It is clarified that the bypass road starts diverting gradually from CH 76/100 and completely diverts from existing road (Hyderabad – Srisailam) of NH 765 at CH 76/400 and same is communicated clearly through RTI reply to the petitioner dated 12th August 2022 *vide* Lr.No.DEE/NH/KKY/RIT/21/2022, Dt. 12/08/2022 (RTI reply given to T.Sravan Reddy). In view of the above objectioner's request to start the Bypass from Km. 76.400 of NH 765 is not technical feasible.
2.	The final alignment of DPR NH 765 with copies of surveys conducted earlier in this regard was not provided earlier even after several request hence requested for supply of DPR NH 765.	NH 765 road pertaining to National Highway Authority of India. The final approved alignment of DPR NH 167K copies of Survey and other record furnished
3.	As per 3(A) Notification in Sy.No.509 of Kotra Shivar the land to be acquired was shown in twice, but which area correct was not mention in the notification.	As per available revenue record nature of land in Survey No.509 is two types. Hence in 3(A) Notification, the area of Survey No.509 was shown as 0.9712 Hectors and 0.8093 Hectors as agriculture and non-agriculture land respectively. Hence, both are correct and no changes required.
4.	The land in Sy.No.509 of the petitioner as per record is a commercial land where as in 3(A) notification it was mention as agriculture lands. Hence, requested for its correction.	The 3(A) Notification was issued only details of Survey number, extent and type of land. However, objectioner's land totally comes under non-agriculture category and the same may be reflected in 3(D) Gazette Notification.
5.	Provide By-Pass starting from KM 76.400 and its related survey copies and Maps along with reasons for starting By-Pass from KM 76.400.	DPR consultancy has furnished three options of alignments. However, Ministry of Road Transport and Highways, Government of India approved 3rd alignment option. As per approved alignment, the bypass road starts diverting gradually from CH 76/100 and completely diverts from existing road (Hyderabad – Srisailam) of NH 765 at CH 76/400 and same is communicated clearly through RTI reply to the petitioner *vide* Lr.No. DEE/NH/KKY/RIT/21/2022, Dt.12/08/2022 (RT reply given to T.Sravan Reddy).

On receipt of objection petition a notice has been issued to the petitioner *vide* reference 5th cited, for personal appearance fixing a date on 17.10.2022 for personal hearing. Accordingly, Sri T.Sravan Reddy, R/o. Kalwakurthy was attended and submitted another petition on the same day for the following points. I am herewith furnishing the para wise replies as follows:

Sl.No.	Objection	Reply
1.	The land in Survey No.509 of the petitioner is a commercial land though why this land was convenient for formation of By-pass road and to provide copies of survey conducted to this effect.	As per approved alignment, around 84 survey numbers are affected. In that Sy.No.509 is one. Generally finalization of alignment will be done based on Technical feasibility and financial feasibility irrespective of survey no.
2.	The land in Survey No.509 as per local market value is more than 5 Crores and requested for providing copies of all survey conducted for formation of By-pass road.	Here with furnishing the approved alignment of Kalwakurthy Bypass. Rate of individual survey number is not a criteria for finalization of alignment.
3.	As per NH 765 final map, the road from CH 76/400 of Kalwakurthy By-pass road will start but as per notification the acquisition of land for formation of By-pass road is started from CH 76 / 100. Hence clearly requested for clarification.	It is clarified that the bypass road starts diverting gradually from CH 76/100 and completely diverts from existing road (Hyderabad-Srisailam) of NH 765 at CH 76/400 and same is communicated through RTI reply to the petitioner dated 12th August, 2022 *vide* Lr.No.DEE/NH/KKY/RTI/21/2022, dated 12/08/2022 (RTI Reply given to T.Sravan Reddy). In view of the above, objectioner's request to start the Bypass from Km 76.400 of NH 765 is not technically feasible.
4.	The land of the petitioner in Survey No.509 is quite adjacent to Hyderabad to Srisailam Highway and its value of land is very high. Hence, requested for notification as commercial land.	As per available record, nature of land in Survey No.509 is two types. Hence, in 3(A) notification, the area of Sy.No.509 was shown as 0.9712 Hectors and 0.8093 Hectors as agriculture and non-agriculture land respectively. The 3(A) Notification was issued with only details of Survey Number, extent and type of land. However, objectioner's land total comes under non-agriculture category and same may be reflected in 3(D) Gazette Notification.
5.	To provide copies of marking for formation of By-pass road at Kalwakurthy."	Here with furnishing the approved alignment of Kalwakurthy Bypass.

The petitioner's objections and the replies submitted by Executive Engineer (R & B), National Highway Division, Kalwakurthy, have been examined and your request for change of alignment from 76/100 to 76/400 is disallowed in toto."

17. Learned Government Pleader for Land Acquisition submits that the information submitted by the petitioner were completely provided and all the objections raised by the petitioner was replied. Learned Government Pleader for Land Acquisition in support of his submissions relied upon the judgment of the Hon'ble Apex Court in its judgment dated 25.03.2015 in Civil Appeal Nos.3177-3178 of 2015 in the matter of ***Mohan Singh Gill and others v. State of Punjab and Others,*** wherein the Hon'ble Apex Court held that it is not for the Courts to decide as what should be the extent of land that needs to be acquired and it is for the Government to look into these aspects. Learned Government Pleader for Land Acquisition would further submit that the State is empowered to acquire the private property for public purpose and eventually prays to dismiss the writ petition.

18. Learned counsel appearing for respondent No.2 has made similar submissions.

ANALYSIS AND CONCLUSION:

19. The petitioner in the present writ petition has challenged the endorsement issued by respondent No.4 in File No. E/268/2022 (Endorsement), dated Nil/10/2022. In the counter affidavit filed by the respondent No.4, it is noted that subsequent to the endorsement dated Nil/10/2022, the respondent No.4 has issued another

endorsement dated 05.12.2022 referring to the objections received from the petitioner on 23.09.2022 and the earlier endorsement issued by respondent No.4 pertaining to File No. E/268/2022, dated 21.10.2022.

20. This Court in the order dated 26.04.2023 considered the impugned endorsement issued by respondent No.4 and granted interim direction. The petitioner has not challenged the endorsement dated 05.12.2022 and no reply has been filed to that effect. It is further stated in the endorsement that when the respondent authorities tried to serve the endorsement dated 05.12.2022 to the petitioner, the petitioner was not in his residence on two instances. Thereafter, on 12.12.2022, when the petitioner was not in his residence, they tried to hand over the same to his family members. But the family members had not received the said endorsement. As such, the same was affixed / posted on the wall of the petitioner's house in the presence of two witnesses. During the course of arguments, no submissions were made on the endorsement dated 05.12.2022 and the said endorsement was not disputed. This Court observes that since the endorsement dated Nil/10/2022 is the subject matter of the writ petition, this Court by an order dated 26.04.2023 considering the impugned endorsement, has granted interim direction, as prayed for and on a perusal of the endorsement dated 05.12.2022, the objections of the petitioner were clarified. Further, the petitioner has not challenged the subsequent endorsement dated 05.12.2022,

which was filed as a material paper in I.A.No.1 of 2024, and no reply has been filed in that regard.

21. A Division Bench of this Court in **National Highways Authority of India v. G.Narsing Rao & others**[1] on the aspect of which lands to be acquired for laying national highways, held as follows:

> *"24. We are afraid we can examine or adjudicate on such grievance raised by the writ petitioners. The National Highways Act, 1956 lays down the procedure for acquisition of land for laying of national highways including award of compensation. Writ petitioners have their remedy there under. In the facts and circumstances of the case, we are of the view that there was no occasion for any consensus amongst the parties to the writ petition. Since acquisition of land is for the purpose of four laning of national highway, which is of public interest, interference by the High Court under Article 226 of the Constitution of India would not be justified.*
>
> *25. That apart, there are hardly any materials placed on record by the writ petitioners to prove that execution of the four laning of N.H.161 project is actuated by mala fides to oust the writ petitioners from their land. On pleaded facts and the materials on record this Court cannot come to any such sweeping conclusion.*
>
> *26 It is for the technical experts to determine alignment of a road. Courts are not equipped to instruct the authorities how to go about laying of roads or national highways; or which lands should be acquired and which should not be acquired for such purpose. In case of national highways, a statutory framework is in place with inbuilt remedial provisions for those affected by land acquisition for construction of such road.*

[1] 2022 (3) ALT 707 (DB)

> *27. Sounding a note of caution, Supreme Court in* ***Union of India Vs. Kushala Shetty*** *[(2011) 12 SCC 69] has mentioned that National Highways Authority of India (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. Courts are not at all equipped to decide upon the viability and feasibility of a particular project and whether a particular alignment would sub-serve the larger public interest. In such matters, scope of judicial review is very limited."*

22. Earlier, the petitioner had challenged the endorsement dated NIL.10.2022, wherein respondent No.4 had offered his remarks on the objections raised by the petitioner, directing the petitioner to obtain the required information from the concerned authorities. Accordingly, the petitioner was informed of the same by the said endorsement. Thereafter, by an endorsement dated 05.12.2022, the request of the petitioner for change of alignment from Km.76/100 to Km.76/400 was considered by respondent No.4 and was disallowed in toto and the same was served on the petitioner. Though the petitioner was informed

of the rejection of his request through the said endorsement dated 05.12.2022, the petitioner filed the present writ petition on 24.04.2023 without challenging the said endorsement. Thus, the objections raised by the petitioner were subsequently considered and decided by the rejection endorsement dated 05.12.2022. As such the relief sought in the present writ petition has already been rejected by the competent authority by way of subsequent endorsement dated 05.12.2022 wherein the objections of the petitioner were clarified. Further, respondent No.2 has filed a memo enclosing a copy of the award dated 20.09.2023 issued by the competent authority, respondent No.4, and a copy of the Gazette notification dated 09.03.2023 issued by the Ministry of Road Transport and Highways. Wherein, it was recorded that no objections were received under Section 3C of the National Highways Act, 1956, within a period of 21 days from the publication of the notification under Section 3A of the Act.

23. It is further noted that at the time of recording, the apportionment in the Kotra Village Apportionment, Kalwakurthy Division, in the award enquiry, the petitioner's name was recorded in respect of the land under acquisition to an extent of 0.70819 hectares in Sy.No.509. In the enquiry it was further recorded that the petitioner did not attend the award enquiry and, hence, the compensation payable in respect of the said land, as shown in the apportionment statement under the agricultural category, would be paid after deciding the rightful owner, whenever the claimant approaches the

competent authority with documentary proof of ownership. Further, the Ministry of Road Transport and Highways, vide notification dated 09.03.2023, referring to the substance of the notification published in "Namaste Telangana" (Telugu) and "The Hindu" (English), both dated 21.09.2022, under sub-section (3) of Section 3A of the Act, recorded that the objections received were considered and disallowed by the competent authority. The Central Government, in exercise of the powers conferred under sub-section (1) of Section 3D of the Act, declared that the lands specified in the Schedule shall be acquired for the aforesaid purpose. In pursuance of sub-section (2) of Section 3D of the Act, the Central Government further declared that, upon publication of the notification in the Official Gazette, the lands specified in the Schedule shall vest absolutely in the Central Government, free from all encumbrances. On perusal of the notification, the petitioner's land in Sy.No.509 is also recorded as patta land, classified as dry (non-agricultural land), admeasuring 0.70819 hectares. The award dated 20.09.2023 and the 3D notification concludes the land acquisition proceedings. Since the land acquisition proceedings have been concluded, the petitioner may pursue his remedy in accordance with law. Therefore, the relief sought by the petitioner cannot be granted and no writ of Mandamus can be issued to the respondents. In view of the above, the writ petition is devoid of merits, fails and is liable to be dismissed.

24. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

SD/- C.DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

One Fair Copy to the Hon'ble SRI JUSTICE N.V.SHRAVAN KUMAR
(For His Lordships Kind Perusal)

To,

1. One CC to SRI D.B.CHAITANYA, Advocate [OPUC]
2. One CC to SRI P.HARINATH GUPTA, Advocate [OPUC]
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4. The Under Secretary, Union of India, Ministry of Law, Justice and Company Affairs, New Delhi.
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6. One CC to SRI N.BHUJANGA RAO, DEPUTY SOLICITOR GENERIAL OF INDIA, High Court for the State of Telangana at Hyderabad [OPUC]
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [CUT]
8. Two CD Copies

BSR

CC TODAY

HIGH COURT

DATED: 26/10/2026



ORDER

WP.No.11752 of 2023

DISMISSING THE WRIT PETITION,

WITHOUT COSTS

