IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE ACTING CHIEF JUSTICE P.SAM KOSHY
AND
THE HON'BLE SRI JUSTICE SUDDALA CHALAPATHI RAO

WRIT APPEAL No.1213 of 2026

(CNR.No: HBHC010758122026)

DATE: 13.11.2026

Reserved on: 04.11.2026 **Pronounced on : 13.11.2026**

Uploaded on : 13.11.2026

Between:

Talasani Sravan Reddy **...Appellant**

AND

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

...Respondents

JUDGMENT: ***(per the Hon'ble Sri Justice Suddala Chalapathi Rao)***

Heard Sri Vedula Venkata Ramana, learned Senior Counsel representing M/s. Bharadwaj Associates, for appellant, Ms. T.Suhasini, learned counsel for respondent No.1, Mr.P.Harinath Gupta, learned counsel for respondent Nos.2 and 3 and

Mr.E.Ramesh Chandra Goud, learned Government Pleader for Land Acquisition appearing for respondent No.4.

2. The present intra Court appeal is filed by the Writ Petitioner assailing the order passed by this Court in W.P.No.11752 of 2023, dated 26.10.2026, whereby the learned Single Judge, after considering the rival submissions and the material available on record, dismissed the writ petition holding that the award dated 20.09.2023 and the notification issued under Section 3D of the National Highways Act, 1956, concluded the land acquisition proceedings and that the appellant/writ petitioner is at liberty to pursue his remedy in accordance with law.

3. For better appreciation of the matter, the relief sought in the underlying Writ Petition is extracted hereunder:-

> *"…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, Nagarkurnool 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 and grant such other order or orders that are deemed fit and proper in the circumstances of the case and in the interests of justice…"

4. The brief facts of the case are that the appellant's name was recorded as owner and pattadar along with his family members in respect of converted agricultural land admeasuring Ac.1-00 guntas in Survey No.509 of Kotrasivar Village, Veldanda Mandal, Nagarkurnool District (hereinafter referred to as the "subject land"). Earlier, the appellant's father filed

W.P.No.27864 of 2022 before this Court questioning the action of the respondents therein in attempting to take possession of 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 order dated 14.07.2022, disposed of the writ petition directing the respondents not to dispossess the petitioner therein without following due process of law and granting liberty to the respondents to initiate acquisition proceedings strictly in accordance with law.

5. The petitioner further contended that the Revenue Divisional Officer, respondent No.4 in the underlying Writ Petition issued notice dated 07.10.2022, referring to the Gazette Notification issued under Section 3A of the Act, dated 10.07.2022, informing the petitioner about the hearing of objections scheduled on 17.10.2022. The petitioner attended the hearing on the said date and submitted his objections, contending that as per the final map, the Kalwakurthy Bypass starts from CH 76/400, whereas, as per the plan, it commences from CH 76/100. The contention of the petitioner is that if the

Bypass Road starts from CH 76/400, his land would not be required for the Kalwakurthy Bypass on NH No.167K and, requested respondent No.4 to furnish the relevant plans explaining as to how the Bypass Road was being commenced from CH 76/100, when the final map disclosed that it starts from CH 76/400. However, respondent No.4, who was obligated to pass orders in terms of Section 3C(3) of the Act, on the objections raised by the petitioner and communicate the same to him, had instead issued the impugned endorsement in File No.E/268/2022, dated Nil/10/2022, and did not deal with any of the objections. While the petitioner was awaiting a speaking order, respondent No.4 proceeded to issue a notification under Section 3D of the Act, which was published in Namasthe Telangana Newspaper on 13.04.2023, which is contended illegal and hence the Writ Petition.

6. When the Writ Petition was initially taken up for admission, an interim order dated 26.04.2023 was passed by the learned Single Judge, observing that the impugned endorsement was bereft of reasons and did not answer the

objections raised by the petitioner, and granted interim direction as prayed for. Subsequently, the said order was vacated *vide* order dated 09.04.2026.

7. Thereafter, the petitioner carried the matter in W.A.No.474 of 2026. A Division Bench of this Court, by order dated 24.04.2026, 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 the parties to maintain *status quo* till 29.04.2026. Pursuant to the directions of the Division Bench, the petitioner filed I.A.No.1 of 2026 seeking to recall/set aside the order dated 09.04.2026 passed in I.A.No.1 of 2024 in W.P.No.11752 of 2023 (underlying Writ Petition) and the same was heard by the learned Single Judge of this Court.

8. In the underlying Writ Petition, respondent No.4, being the official respondent, filed a counter affidavit contending that the Government of India had sanctioned the subject road work *vide* Gazette S.O.4022(E), dated 06.11.2021, and as per the

approved alignment, the newly proposed NH No.167K of Kalvakurthy-Karivena road connects various villages, including Kotra, Kalwakurthy, Kurmidda, Tharnikal, Suddakal, Medipur, Tadoor, Desitkyal, Peddamudunur, Peddakothapally, Kalwakol, Waridyal, Chotabela, Nagarkurnool, Kollapur and Rampur in the State of Telangana, and extends up to Mandugula Sivapuram Karivena, terminating at its junction with NH-40 near Nandyal.

9. Respondent No.4 further contended that the Detailed Project Report (for short, "DPR") was approved and communicated for widening the road to two lanes 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 and for a length of 79.30 Kms, *vide* proceedings bearing Lr.No.RW/HYD/NH167K/Kalwakurthy/I/4012140/2022, dated 31.03.2022, which includes Vehicle Under Pass (VUP), side drains, footpaths, central median and central lighting, within

the R&B Right of Way of 100 feet (i.e., 50 feet on both sides) from Kalwakurthy to Kollapur on NH No.167K.

10. It is further contended that since out of the total length of 79.300 Kms, land acquisition is required for a length of 26.467 Kms, to an extent of 146.87 hectares, beyond the existing Right of Way of the National Highway, for curve improvements, realignment, bypasses and toll plaza, the Executive Engineer, National Highways, Kalwakurthy, *vide* letter No.EE (R&B/NH/KKTY (NH-167K) 3A/2022, dated 29.03.2023, sent the requisition proposal for acquisition of the subject land. The Government of India published the Gazette Notification under Section 3A of the Act, dated 10.03.2022, authorising the Revenue Divisional Officer, Kalwakurthy Division, i.e., respondent No.4 herein, 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 under Section 3A of the Act was issued *vide* Gazette of India dated 01.09.2022 for acquisition of land to an extent of 47.9627 hectares. The said notification was

published in Namasthe Telangana and the Hindu newspapers on 21.09.2022. It is further submitted that, out of about 615 land losers covered by the notification, the petitioner alone filed objections on 23.09.2022. In pursuance thereof, the CALA/Revenue Divisional Officer, Kalwakurthy (Respondent No.4) issued notice to the petitioner for personal hearing on 17.10.2022, on which date the petitioner also raised certain further objections, after the stipulated period of 21 days. Thereafter, respondent No.4 clarified the objections and communicated the same through endorsements dated 21.10.2022 and 05.12.2022.

11. It is further submitted that the Section 3A notification contains the details of the survey numbers, extent and nature of the land, and as per the approved Section 3D Gazette Notification of India dated 09.03.2023, the petitioner's land to an extent of 2529.2 square metres was notified as non-agricultural land. It is also contended that the information regarding the alignment/survey of the Kalwakurthy Bypass of NH No.167K was furnished to the petitioner through the RTI

reply *vide* Lr.No.DEE/NH/KKY/RTI/21/2022, dated 12.08.2022, and that the finalisation of the alignment was based on technical feasibility.

12. It is further submitted that the DPR consultant had furnished three options of alignment and the Ministry of Road Transport and Highways, Government of India, approved the third alignment option, which provides for the Bypass Road to start diverting gradually from CH 76/100 and completely separate from the existing Hyderabad-Srisailam Road of NH No.765 at CH 76/400n. The same was communicated to the petitioner through the RTI reply dated 12.08.2022, along with the approved alignment, and accordingly, the objections raised by the petitioner were considered and orders were passed on 20.10.2022 and 05.12.2022, elaborately dealing with the objections raised by the petitioner. It is stated that when the said orders were sought to be served on the petitioner, he did not accept the same. Therefore, the endorsements were served through an alternative mode on 12.12.2022, after conducting a panchanama.

13. Respondent No.2 also filed a counter contending that, in terms of Section 3D(2) of the Act, once a declaration under sub-section (1) is published, the land shall vest absolutely in the Central Government, free from all encumbrances, and in terms of Section 3D(4) of the Act, a declaration made by the Central Government under sub-section (1) shall not be called in question in any Court or by any authority.

14. It is further contended by the respondents that, the Bypass Road work is in progress and despite 95% completion of the work and expending huge amounts, the road is not being put to use by the public at large due to non-availability of the 200 metres stretch. Therefore, the respondents prayed for dismissal of the Writ Petition.

15. The learned Single Judge of this Court, after considering the submissions made by the learned Senior Counsel Sri Vedula Venkata Ramana, appearing for the writ petitioner, and the learned Government Pleader appearing for the respondents, elaborately considered the manner, observing that the objections

raised by the petitioner were received and duly addressed by respondent No.4 *vide* endorsement in File No.E/268/2022, dated Nil.10.2022. The subsequent objections raised by the petitioner were also considered *vide* endorsement dated Nil.10.2022 and another endorsement dated 05.12.2022, apart from the initial endorsement dated 21.10.2022. Thus, the objections raised by the petitioner were specifically considered and answered by respondent No.4.

16. Thereafter, the learned Single Judge, by placing reliance on the judgment of the Hon'ble Division Bench of this Court in ***National Highways Authority of India v. G.Narsing Rao & others***[1] and extracting the relevant portions thereof, held that the award dated 20.09.2023 and the notification issued under Section 3D of the Act had concluded the land acquisition proceedings and the objections raised by the petitioner had been duly considered and rejected, as such the petitioner had not made out any ground warranting interference by this Court. Accordingly, leaving it open to the petitioner to pursue the

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

remedies available to him under law, the learned Single Judge dismissed the Writ Petition. Aggrieved by the same, the present intra-Court Appeal has been filed.

17. Sri Vedula Venkata Ramana, learned Senior Counsel appearing for the Writ Appellant/Writ Petitioner, would contend that, as per the final map, the alignment of the Bypass Road starts from CH 76/400, whereas, as per the plan, the road commences from CH 76/100, and if the Bypass Road were to start from CH 76/400, the petitioner's land would not be affected at all. However, by adopting a different alignment, the respondents have proceeded with the road from CH 76/100, contrary to the final map, despite the specific objections raised by the petitioner.

18. Learned Senior Counsel would also emphasize that, once the final alignment was shown in the acquisition proceedings as commencing from CH 76/400, the respondents could not deviate from the said alignment and proceed with the road from CH 76/100, thereby affecting the rights of the petitioner. It is

therefore contended that the objections raised by the petitioner were not properly considered and had mechanically rejected the same, without assigning proper reasons.

19. It is further contended that, even though the final notification under Section 3D of the Act has been issued, as the respondents have deviated from the original final alignment ,this Court has jurisdiction to examine the matter under judicial review and set aside the award and the consequential proceedings. Learned Senior Counsel would further submit that the learned Single Judge has not examined the issue in its proper perspective and that the reasoning and findings recorded by the learned Single Judge are liable to be set aside.

20. *Per contra*, learned Government Pleader appearing for the respondent-State would contend that the learned Single Judge has specifically considered and answered all the contentions raised by the learned Senior Counsel appearing for the Writ Appellant/Writ Petitioner. It is submitted that the objections raised by the petitioner were duly considered and answered

through the endorsements dated Nil/10/2022, 21.10.2022 and 05.12.2022. Therefore, it is contended that, once the objections have been considered and rejected by the competent authority, the petitioner cannot raise the same contentions again.

21. Learned Government Pleader would further contend that, once a notification under Section 3D of the National Highways Act, 1956, is issued, the land specified in the schedule to the said notification vests absolutely in the Central Government, free from all encumbrances.

22. Learned Government Pleader would also place reliance on the judgment of the Hon'ble Supreme Court in ***Union of India Vs Kushala Shetty and others***[2]**,** wherein the Hon'ble Supreme Court has held that 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, in the

[2] 2011 SCC OnLine SC 370

rarest of rare cases, if a particular project, is found to be *ex facie* contrary to the mandate of law or tainted due to mala fides.

23. Learned Government Pleader, drawing clue from the aforesaid judgment, would submit that in the present case, the alignment was determined by the experts and that the petitioner has not attributed any mala fides to the respondents. The only grievance raised by the petitioner is with regard to the alleged change in the alignment from CH 76/400 to CH 76/100. It is contended that the objections raised by the petitioner in this regard were considered and rejected by the competent authority. Therefore, in view of the notification already issued under Section 3D of the Act and the law laid down by the Hon'ble Supreme Court in ***Kushala Shetty*** (*supra*), no interference by this Court is warranted in a well considered and well reasoned order passed by the learner Single Judge.

24. Having heard Sri Vedula Venkata Ramana, learned Senior Counsel for appellant, Ms.T.Suhasini, Mr.P.Harinath Gupta, and Mr.E.Ramesh Chandra Goud, learned counsel

appearing for respective respondents and having given earnest consideration to the submissions advanced by the respective counsel, perused the record.

25. The grievance of the appellant is twofold; firstly, the objections reused by the petitioner were not duly considered and secondly, the respondent proceeded with the alignment contrary to the final map.

26. As regards the first issue, it is evident that the objections raised by the petitioner were duly considered and rejected by respondent No.4, who is the competent authority, through the endorsement in File No.E/268/2022, dated 21.10.2022, and the subsequent endorsement dated Nil/10/2022. It is also evident that certain further objections were raised by the petitioner, which were also considered by the competent authority. Therefore, the contention that the objections raised by the petitioner were not considered cannot be accepted.

27. Insofar as the second limb of the grievance of the writ petitioner is concerned, though as per the final map, the

alignment of the road was shown as commencing from CH 76/400, the respondents have proceeded with the alignment commencing from CH 76/100, and had the alignment commenced from CH 76/400, his land would not have been affected, and that the objections raised by him in this regard were not properly considered by respondent No.4. It is pertinent to note that respondent No.4, in the counter affidavit, has specifically explained that three alignment options were prepared and placed before the Ministry of Road Transport and Highways, Government of India, and the Ministry approved the third alignment option, under which the road commences from CH 76/100, the alignment commencing from CH 76/100 was proceeded with, and accordingly, the objections raised by the petitioner were considered and rejected by the competent authority. Thereafter, the notification under Section 3D(1) of the National Highways Act, 1956, was issued, and by virtue of the said notification, the land specified therein vested absolutely in the Central Government, free from all encumbrances. Subsequently, the award dated 20.09.2023 was also passed.

28. Taking note of the above circumstances, the learned Single Judge dismissed the Writ Petition, leaving it open to the petitioner to avail the remedies available to him in accordance with law.

29. In that view of the matter, when the objections raised by the petitioner were specifically considered and addressed by the Competent Authority and the notification under Section 3D(1) of the Act was issued, the principles laid down by the Hon'ble Supreme Court in ***Kushala Shetty*** (mentioned *supra*), assume relevance. The Hon'ble Supreme Court, in paragraph 28 of the said judgment, held as follows:

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

30. Thus, in view of the law laid down by the Hon'ble Supreme Court that Courts are not equipped to decide the viability and feasibility of a particular project or to examine whether a particular alignment would serve the larger public interest, and that the scope of judicial review in such matters is limited, and interference is warranted only in exceptional cases where violation of the mandate of law or mala fides is established, we

do not find any illegality, infirmity or error in the order passed by the learned Single Judge warranting interference by this Court. The Writ Appellant/Writ Petitioner has failed to make out any grounds for interference with the well-considered order passed by the learned Single Judge, and the appeal is devoid of merits and liable to be dismissed.

31. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs.

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

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P.SAM KOSHY, ACJ

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SUDDALA CHALAPATHI RAO, J

Date: 13.11.2026
NIT

THE HON'BLE THE ACTING CHIEF JUSTICE P.SAM KOSHY
AND
THE HON'BLE SRI JUSTICE SUDDALA CHALAPATHI RAO

WRIT APPEAL No.1213 of 2026

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