

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
WRIT PETITION NO: 4684 OF 2024



Between:

Guggilla Ramesh Babu, S/o Venkata Ranganayakulu, Age 48 years, R/o Main Road, Tagarapuvalasa, Bheemunipatnam, Visakhapatnam.

...Petitioner/s

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue (Land Acquisition), Secretariat Buildings, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The National Highway Authority of India, Represented by its Director, Vijayawada, Andhra Pradesh.
3. The Project Director, National Highway Authority, Project Implementation Unit (GQ), NHAI Enclave, KM 2/8, NH -16, Hanumanthavaka, Visakhapatnam-530040.
4. The Project Director, National Highway Administration, National Highway Authority, PIU, Visakhapatnam.

...Respondent/s

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 an appropriate writ, order or direction more particularly one in the nature of WRIT of MANDAMUS to declare the impugned unilateral eviction order vide Ref NHAI/PIU- VSKP/AND-RNS/Encroachment 2978 Dated 25.1.2024 thereby ordering the Petitioner to vacate his shops/structures with assessment 1089012316 situated in an extent 97 ½ sq.yds in Sy No 47/ID, DNo 7-44-163, Main Road, Tagarapuvalasa village. Bheemunipatnam Mandal, GVMC limits. Visakhapatnam and trying to dispossess and demolish the petitioners shops/structures are existing in above said land without issuing any notice and without following any procedure under law as illegal, arbitrary and unconstitutional and contrary to National Highways Act, 1956, Articles 14 & 21 and 300-A of Constitution of India and consequently set aside aforementioned impugned order and further direct the Respondents not to interfere with Petitioners peaceful possession. ownership and enjoyment of shops/structures and not to demolish the same with assessment No 1089012316 situated in an extent of 97 1/2 sq.yds in Sy No 47/ ID, DNo 7-44-163, Main Road, Tagarapuvalasa village. Bheemunipatnam Mandal GVMC limits, Visakhapatnam District and follow the procedure established under law.

IA NO: 1 OF 2024:

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the impugned unilateral eviction order vide Ref: NHAI/PIU- VSKP/AND-RNS/Encroachment 2978 Dated 25.1.2024 and direct the Respondents not to interfere with Petitioner's peaceful possession and enjoyment

shops/structures and not to demolish the same with assessment No 1089012316 situated in an extent of 97 ½ sq.yds in Sy No 47/3, DNo 7-44-163, Main Road, Tagarapuvalasa village, Bheemunipatnam Mandal, GVMC limits, Visakhapatnam District, pending disposal of the above writ petition and to pass, Pending disposal of WP 4684 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of S SRINIVASA RAO Advocate for the Petitioner, and of Standing Counsel for National Highway Authority of India (NHAI) for the respondent Nos.2 to 4, and of Government Pleader for Land Acquisition for the respondent No.1, and the Court made the following

ORDER:

“Heard Mr.S.Srinivasa Rao, learned counsel for the petitioner.

List on 29.2.2024 in Motion List, to enable the learned Standing Counsel for National Highway Authority of India (NHAI) representing the respondent Nos.2 to 4 to secure written instructions in the matter.

In the meanwhile, no coercive action in respect of the subject matter property shall be resorted to.

Office is directed to show the name of the Government Pleader for Land Acquisition for the respondent No.1.”

**Sd/-N.NAGAMMA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Land Acquisition), State of Andhra Pradesh, Secretariat Buildings, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Director, National Highway Authority of India, Vijayawada, Andhra Pradesh.
3. The Project Director, National Highway Authority, Project Implementation Unit (GQ), NHAI Enclave, KM 2/8, NH -16, Hanumanthavaka, Visakhapatnam-530040.
4. The Project Director, National Highway Administration, National Highway Authority, PIU, Visakhapatnam. **(Addresses 1 to 4 by RPAD- along with a copy of petition and Affidavit)**
5. One CC to SRI. S SRINIVASA RAO, Advocate [OPUC]
6. One CC to Standing Counsel for National Highway Authority of India (NHAI), High Court Of Andhra Pradesh. [OUT]
7. Two CCs to Government Pleader for Land Acquisition, High Court of Andhra Pradesh. [OUT]
8. The Section Officer, Writ Non-Service, High Court of Andhra Pradesh.
9. **One spare copy**

KN

HIGH COURT

NJS, J

DATED:22/02/2024

List on 29.2.2024 in Motion List

ORDER

WP.No.4684 of 2024

DIRECTION

