

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

FRIDAY, THE TWENTY THIRD DAY OF FEBRUARY,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
WRIT PETITION NO: 4741 OF 2024



Between:

Vaddi Venkata Rao, S/o Ramakoteswara Rao, Age 52 years R/o Adarshnagar,
Tagarapuvalasa, Bheemunipatnam, Visakhapatnam.

...Petitioner

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.

...Respondents

Petition under Article 226 of the Constitution of India is filed 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 2982 Dated 25.1.2024 thereby ordering the Petitioner to vacate his shops / structures with assessment 1089005378 situated in an extent 33.33 sq.yds in Sy.No.47/1D DNo.7-44-174, 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 and 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 1089005378 situated in an extent of 33.33 sq.yds in Sy No 47/ ID , DNo 7-44- 174 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 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the impugned unilateral eviction order vide Ref: NHAI/PIU-VSKP/AND-RNS/Encroachment 2982 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 1089005378 situated in an extent of 33.33 sq.yds in Sy No 47/ID , DNo 7- 44-174, Main Road, Tagarapuvalasa village, Bheemunipatnam Mandal, GVMC limits, Visakhapatnam District, pending disposal of WP.No.4741 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 Sri S.Srinivasa Rao, Advocate for the Petitioner and GP for Revenue for the Respondent No.1 and Sri S.S.Varma, Standing Counsel for the Respondent Nos.2 to 4, the Court made the following;

ORDER:

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

It is stated that Mr. S.S Varma, learned Standing Counsel is appearing on behalf of the NHAI and seeks time to secure written instructions in the matter.

List along with W.P No.4684 of 2024 on 29.02.2024 in Motion List.

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

//TRUE COPY//

**Sd/- K. J. RAJA BABU
ASSISTANT REGISTRAR**

For

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Revenue (Land Acquisition), 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. (Addressee Nos.1 to 4 by RPAD)
5. One CC to Sri. S.Srinivasa Rao, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
7. One CC to Sri S.S.Varma, Standing Counsel [OPUC]
8. One spare copy

MM



HIGH COURT

NJS,J

DATED:23/02/2024

NOTE: LIST ALONG WITH W.P.No.4684 OF 2024 ON 29.02.2024 IN MOTION LIST

ORDER

WP.No.4741 of 2024

DIRECTION

