

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

TUESDAY, THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
WRIT PETITION NO: 5041 OF 2024



Between:

Vunnam Haribabu, S/o Chinna Mala Kondaiah, Age 44 years, R/o Main Road,
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 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 2980 Dated 25.1.2024 thereby ordering the Petitioner to vacate his shops/structures with assessment 1089005380 situated in an extent 31 sq.yds in Sy No 47/182/2, DNo 7-44-163/2 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 1089005380 situated in an extent of 31 sq.yds in Sy No 47-3P, DNo 7-44-163/2, 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 2980 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 1089005380 situated in an extent of 31 sq.yds in Sy No 47/3P, DNo 7- 44-163/2, Main Road, Tagarapuvalasa village. Bheemunipatnam Mandal, GVMC limits. Visakhapatnam District, Pending disposal of WP 5041 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 of GP FOR REVENUE(LAND ACQUISITION), for the Respondent No.1, and of SMT G.K.V.D.KUMARI, 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.

Smt.G.K.V.D. Kumari, learned Standing Counsel for National Highways Authority of India (NHAI) takes notice on behalf of the respondent Nos.2 to 4 and seeks time to secure written instructions in the matter.

List the matter along with Writ Petition No.4684 of 2024.

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

**Sd/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR**

SECTION OFFICER

//TRUE COPY//

For

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. **(Addressees 1 to 4 by RPAD)**
5. One CC to SRI. S SRINIVASA RAO Advocate [OPUC]
6. Two CCs to GP FOR REVENUE(LAND ACQUISITION), High Court of Andhra Pradesh. [OUT]
7. One CC to SMT G.K.V.D.KUMARI, Standing Counsel [OPUC]
8. **One spare copy**

HIGH COURT

NJS,J

DATED:27/02/2024

NOTE: List the matter along with Writ Petition No.4684 of 2024.

ORDER

WP.No.5041 of 2024

INTERIM DIRECTION

