

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



SATURDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 8586 OF 2019

Between:

1. Balusu Srinivasa Rao, S/o late Anjaiah, Age 53 years, Occ: Agriculture, R/o H.NO.11-C-23, Addada Village, Pamarru Mandal, Krishna Dist.
2. T. Sri Venkata Laxminarayana, S/o late Siva Ramakrishnaiah, Age 55 years, Occ Agriculture R/o Near Gandhi Statute, Kanuru Village Penamaluru Mandal, Krishna Dist.
3. Velagapudi Srinivasa Rao, S/o late Venkateswara Rao, Age 51 years, Occ Agriculture R/o H.No.13-62/1, Pinnamaneni Teachers Colony Road, Ashoknagar, Vijayawada, Krishna Dist.

...Petitioners

AND

1. The State of AP, Rep.by its Principal Secretary (Revenue), Secretariat, Velagapudi, Amaravathi, Guntur Dist.
2. The District Collector, Krishna Dist., at Machilipatnam.
3. The Joint Collector, Krishna Dist., at Machilipatnam.
4. The Revenue Divisional Officer, Machilipatnam Division, Krishna Dist.
5. The Tahsildar, Bantumilli, Krishna Dist.
6. Union of India, Rep.by its Secretary (Road Transports and High Ways) Transport Bhawan, Parliament Street, New Delhi
7. The National Highways Authority of India, Rep.by its Project Director O/o Plot No.21, Teachers Colony, Gurunanak Nagar Road, Vijayawada, A.P

...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 writ or direction preferably Writ of Mandamus declaring the action of the respondents 4 and 5 and their subordinates in trying to dispossess the petitioners from the part of the subject land to an extent of Ac.0-55 cents and Ac.0-78 cents total extent of Ac.1-33 cents respectively in Sy.NO.90/12 situated at Munjuluru Village, Bantumalli Mandal of Krishna Dist., for construction of Toll Plaza on Pedana to Bantumilli High Way without issuing any notice and without initiating land acquisition proceedings is illegal, arbitrary, violative of principles of natural justice and also violative of Art.300-A of Constitution of India and consequently direct the respondents and their staff not to dispossess the petitioner from the land in any manner.

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to Stay the dispossession of the petitioners from the land admeasuring to an extent of Ac.0-55 cents & Ac.0-78 cents total extent of Ac.1-33 cents respectively in Sy.NO.90/12 situated at Munjuluru Village, Bantumalli Mandal of Krishna Dist., pending disposal of WP 8586 of 2019, 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 M M M Srinivasa Rao, Advocate for the Petitioners, GP for Revenue for the Respondent Nos.1 to 5, Sri N. Harinath, Asst. Solicitor General for Respondent No.6 and Sri S.S. Varma, Standing Counsel for Respondent No.7, the Court made the following;

ORDER:

"It appears from the record that the authorities have initiated constructions and road work without following procedure as indicated, particularly that no

notice has been served upon the parties whose land is being utilized for the construction of National Highway and the toll booths.

List the matter on 04.05.2022 to enable the learned counsel for respondents particularly the Project Director, Ministry of Road Transport and Highways, Vijayawada, to take instructions as regards the status of the land acquisition proceedings.

Registry is directed to print the name of Government Pleader for Land Acquisition in cause list.

Learned Government Pleader for Land Acquisition is also well advised to come with complete instructions.

List on 04.05.2022."

Sd/- V. SATYANARAYANA
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary (Revenue), State of AP, Secretariat, Velagapudi, Amaravathi, Guntur Dist.
2. The District Collector, Krishna Dist., at Machilipatnam.
3. The Joint Collector, Krishna Dist., at Machilipatnam.
4. The Revenue Divisional Officer, Machilipatnam Division, Krishna Dist.
5. The Tahsildar, Bantumilli, Krishna Dist.
6. The Secretary Union of India, (Road Transports and High Ways) Transport Bhawan, Parliament Street, New Delhi
7. The Project Director, National Highways Authority of India, O/o Plot No.21, Teachers Colony, Gurunanak Nagar Road, Vijayawada, A.P(1 to 7 by RPAD)
8. One CC to Sri. M M M Srinivasa Rao, Advocate [OPUC]
9. One CC to Sri N. Harinath, Asst. Solicitor General [OPUC]
10. One CC to Sri S.S. Varma, Standing Counsel [OPUC]
11. One CC to K.V.R. Krishna Sharma, Advocate [OPUC]
12. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
13. Two CCs to GP for Land Acquisition, High Court of Andhra Pradesh. [OUT]
14. The Section Officer, Posting Section, High Court of AP at Amaravathi.
15. One spare copy.

MSB



HIGH COURT

GRKP,J

DATED:30/04/2022

ORDER

LIST ON 04.05.2022

WP.No.8586 of 2019

INTERIM DIRECTION

