

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

**FRIDAY, THE TWENTY NINTH DAY OF MAY,
TWO THOUSAND AND TWENTY SIX**

:PRESENT:

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 13671 OF 2026



Between:

M/s Hindustan Petroleum Corporation Limited, (A Government of India Enterprise) Having its Kadapa Retail Regional Office At Peddapalli Village, Near Bakarapeta, Kadapa - Tirupathi Road, Kadapa - 516247, Andhra Pradesh Represented by its Senior Regional Manager - Retail Sri B Manmadha Rao.

...Petitioner

AND

1. The Union of India, Rep by its Deputy Secretary, Ministry of Road Transport and Highways Transport Bhawan, 1, Parliament Street, New Delhi - 110001.
2. The National Highways Authority of India (NHAI), Represented by its Chairman, having its Corporate Office at G-5 and 6, Sector-10, Dwarka, New Delhi - 110075.
3. The Regional Officer, National Highways Authority of India, D.No. 41-29-45A, R.S. No. 373/2A, Near Kodandaramalayam, Chatasani Nagar, Ranigarithota, Krishnalanka, Vijayawada - 520013.
4. The Project Director, NHAI, Project Implementation Unit (PIU), Kadapa, 114, Indira Bhavan, Near RTC Bus Stand, Maruthi Nagar, YSR Kadapa - 516001.
5. The Competent Authority for Land Acquisition (CALA) and Joint Collector, Puttaparthi, Sri Sathya Sai District, Andhra Pradesh - 515134.
6. The District Collector and Arbitrator, Puttaparthi, Sri Sathya Sai District, Andhra Pradesh - 515134.

7. D Chandrakala, W/o Ramesh Naik (Sole Proprietress of M/s Nikil Filling Station) Sy No. 336, Malaka Vemula Village, Mudigubba Mandal, Sri Sathya Sai District - 515501. —
8. The Deputy Executive Engineer, Operation, East Rural, APSPDCL, Kadiri - 515591. —
9. HDFC Bank, Banjara Hills, Road No II, Branch At Ground Floor, Punnaiah Plaza, Road No.2, Banjara Hills, Hyderabad - 500034
Represented by its Branch Manager. —

...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 a writ, order or direction more particularly one in the nature of the Writ of MANDAMUS declaring the action of the Respondents No. 2 to 6 herein in determining, awarding and consequently depositing the amount of Rs. 1,43,57,322/- (Rupees One Crore Forty Three Lakhs Fifty Seven thousand Three hundred Twenty Two Only) towards the compensation for structures and assets in the Petitioner's Retail Outlet in the Respondent No 7 Land admeasuring an extent of 2025 Sq. mtrs in Survey No. 336, Malakavemula Village and Panchayat, Mudigubba Mandal, Sri Sathya Sai District and 100% solatium, in favor of the Respondent No.7 herein, without considering the Petitioners claim communicated vide Letters dated 29.11.2024, 23.09.2025 as arbitrary, unjust, without jurisdiction contrary to the Principles of Natural Justice and provisions of the National Highways Act, 1956 and besides being violative of the rights guaranteed under Articles 14, 19(1)g and 300A of the Constitution of India and consequently direct the Respondents herein to pay an amount of Rs. 1,43,57,322/- (Rupees One Crore Forty Three Lakhs Fifty Seven thousand Three hundred Twenty Two) towards the compensation for structures and assets in the subject land and 100% solatium along with 14.65% interest from November 2025 to till the date of payment.

IA NO: 1 OF 2026

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to DIRECT the Respondents No. 2 to 6 herein not to dispossess the Petitioner Corporation from Petitioner's Retail Outlet in the Respondent No 7 Land admeasuring an extent of 2025 Sq. mtrs in Survey No. 336, Malakavemula Village & Panchayat, Mudigubba Mandal, Sri Sathya Sai District, pending disposal of WP 13671 of 2026, on the file of the High Court.

IA NO: 2 OF 2026

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to DIRECT the Respondents No.8 herein not to disconnect the electricity connection service no. 7422241000564, Cat-II at Retail Outlet Site, pending disposal of WP 13671 of 2026, on the file of the High Court.

IA NO: 3 OF 2026

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to DIRECT the Respondents No. 9 herein to freeze the Respondent No.7 Bank account to the extent of the amount of Rs.1,43,57,322/- (Rupees One Crore Forty Three Lakhs Fifty Seven thousand Three hundred Twenty Two Only) deposited by the Respondents No.2 to 6 herein, towards the compensation for structures and assets in Petitioner's retail outlet, pending disposal of WP 13671 of 2026, 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 the order of the High Court dated 07.05.2026 made herein and upon hearing the arguments of Sri S.V.S.S.Siva Ram, Advocate for the Petitioner and of Additional Solicitor General of India for Respondent No.1 and of Sri S.S.Varma, Standing Counsel for Respondent Nos.2 to 4 and of GP for Land Acquisition for Respondent No.5 and of GP for Revenue for Respondent No.6 and of Sri Kota Venkata Rama Rao, Standing Counsel for Respondent No.8, the Court made the following

ORDER:

"Heard Sri S.V.S.S. Siva Ram, learned counsel for the petitioner and Sri Anand Kumar, learned counsel for the respondents 2 to 4 appeared through virtual mode.

The present writ petition is filed questioning the action of the respondents 2 to 6 in determining, awarding and consequently depositing the amount of Rs.1,43,57,322/- towards the compensation for structures and assets in the petitioner's Retail Outlet in the respondent No.7 land admeasuring an extent of 2025 sq. meters in Sy.No.336, Malakavemula Village and Panchayat, Mudigubba Mandal, Sri Sathya Sai District and 100% solatium in favour of the respondent No.7 without considering the petitioner's claim communicated vide letters dated 29.11.2024 and 23.09.2025 as arbitrary and illegal.

Learned counsel for the petitioner would state that during the pendency of the present writ petition, there was a direction in I.A.No.3 of 2026 to the 9th respondent-HDFC Bank to freeze the account of the 7th respondent for a period of eight weeks. He further submit that the award dated 10.09.2025, passed by the 6th respondent which is now under the challenge in the present writ petition and during the pendency of the present writ petition, the 4th respondent has issued a "Reminder-1" NHAI/PIU-KDP/13020/2026/NH-544G/ Court/ 21835 dated 26.05.2026.

Learned counsel for the petitioner has drawn the attention of this Court to the paras 6 and 7 of the Reminder-1, which read as under:

"6. As the subject matter was badly delayed, the NHA authorities have decided to forcefully remove the Retail outlet from the acquired land immediately with the support from the District Administration and Police Authorities. It is pertinent to mention that the NHAI and the Concessionaire will not be responsible due to damage of the Retail Outlet assets during the removal of the retail outlet with heavy equipment. 7. Hence, it is requested to take immediate necessary action for the removal of the Retail Outlet/vacate the land by 31.05.2026."

Learned counsel for the petitioner further drawn the attention of this Court to the award passed and that the last para the compensation for the structures and assets at para 7 and 100% solatium at para 8 would indicate that the compensation fixed as Rs.1,43,57,322/- which is now deposited and in that pursuit the present writ petition filed pending adjudication. The learned counsel would submit that the loss as per last paragraph of the award, but the authority which has passed the orders as in derogation to the very provisions of the Act on the ground of badly delayed, the authority decided to forcefully remove the Retail outlet from the acquired land immediately with the support from the District Administration and Police Authorities and the said action to be done even by 31.05.2026.

On the other hand, Mr. Anand Kumar, learned counsel for the 4th respondent would submit that only after following the procedure annunciated under the provisions of law and the steps would be taken to ensure that the proper compensation would be provided to the petitioner as per law.

After hearing both sides, this court finds that the order which is passed by the 4th respondent dated 26.05.2026 which is nothing but projects that the action of the respondents is not inconsonance with the directions passed by the Hon'ble Supreme Court recently in the judgment reported in (2024) 10 SCC 533 at para 30, the Hon'ble Supreme Court has formulated certain directions as to what the authority need to follow. Paragraph 30 reads as follows:

“30. What then are these sub-rights or strands of this swadeshi constitutional fabric constituting the right to property? Seven such sub-rights can be identified, albeit non-exhaustive. These are:

- i. duty of the State to inform the person that it intends to acquire his property – the right to notice,
- ii. the duty of the State to hear objections to the acquisition – the right to be heard,

iii. the duty of the State to inform the person of its decision to acquire – the right to a reasoned decision,

iv. the duty of the State to demonstrate that the acquisition is for public purpose – the duty to acquire only for public purpose,

v. the duty of the State to restitute and rehabilitate—the right of restitution or fair compensation,

vi. the duty of the State to conduct the process of acquisition efficiently and within prescribed timelines of the proceedings – the right to an efficient and expeditious process, and

vii. final conclusion of the proceedings leading to vesting – the right of conclusion.”

As seen from the order, the said directions are not followed by the authority and hence the order which is now passed need to be interdicted. At any rate since violation of principles of natural justice is a facet of Article 14 of the Constitution of India and the same is not followed, the authorities are directed not to proceed further against the petitioner and it is needless to state that if they intend to do so proper opportunity has to be provided and any action taken would be subject to the outcome of the present writ petition.

List after summer vacation, 2026.”

//TRUE COPY//

SD/- P.SIVA SITA RAMA KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Deputy Secretary, Ministry of Road Transport and Highways, Union of India, Transport Bhawan, 1, Parliament Street, New Delhi - 110001.
2. The Chairman, National Highways Authority of India (NHAI), having its Corporate Office at G-5 and 6, Sector-10, Dwarka, New Delhi - 110075.
3. The Regional Officer, National Highways Authority of India, D.No. 41-29-45A, R.S. No. 373/2A, Near Kodandaramalayam, Chatasani Nagar, Ranigarithota, Krishnalanka, Vijayawada - 520013.

4. The Project Director, NHAI, Project Implementation Unit (PIU), Kadapa, 114, Indira Bhavan, Near RTC Bus Stand, Maruthi Nagar, YSR Kadapa - 516001.
5. The Competent Authority for Land Acquisition (CALA) and Joint Collector, Puttaparthi, Sri Sathya Sai District, Andhra Pradesh - 515134.
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8. The Deputy Executive Engineer, Operation, East Rural, APSPDCL, Kadiri - 515591.
9. The Branch Manager, HDFC Bank, Banjara Hills, Road No II, Branch At Ground Floor, Punnaiah Plaza, Road No.2, Banjara Hills, Hyderabad - 500034. (Addressee Nos. 1 to 9 by **SPEED POST**)
10. One CC to Sri S.V.S.S.Siva Ram, Advocate [OPUC]
11. One CC to Additional Solicitor General of India [OPUC]
12. One CC to Sri Kota Venkata Rama Rao, Standing Counsel[OPUC]
13. Two CCs to GP FOR LAND ACQUISITION, High Court of A.P., Amaravati.[OUT]
14. Two CCs to GP FOR REVENUE, High Court of A.P., Amaravati.[OUT]
15. One spare copy.

PSD

HIGH COURT

GTK,J

DATE:29/05/2026

NOTE: LIST AFTER SUMMER VACATION, 2026.

ORDER

WP.No.13671 of 2026

DIRECTION

