

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

**WEDNESDAY, THE TWENTY FOURTH DAY OF JUNE,
TWO THOUSAND AND TWENTY SIX**

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 16059 OF 2026



Between:

1. Akula Venkateswara Rao, S/o Rayudu, Aged 63 years, Business R/o 8-311/3, Near Vijaya Laxmi Hospital, Ravulapalem, (Erstwhile East Godavari) presently Dr. B.R.Ambedkar Konaseema District-533238.
2. Akula Bheemeswara Rao, S/o Rayudu, Aged 60 years, Business R/o 8-311/3, Near Vijaya Laxmi Hospital, Ravulapalem, (Erstwhile East Godavari) presently Dr.B.R.Ambedkar Konaseema District-533238.
3. Akula Satyanarayana, S/o Rayudu, Aged 58 years, Business R/o 8-311/3, Near Vijaya Laxmi Hospital, Ravulapalem, (Erstwhile East Godavari) presently Dr.B.R.Ambedkar Konaseema District-533238.

...Petitioners

AND

1. The Union of India, Rep. by it's Principal Secretary, Road and Transport and Highway Department, Transport Bhawan, 1 Parliament Street, New Delhi- 110001.
2. The National Highway Authority of India, Project Implementation Unit, its Office Adjacent to Toyota Showroom NH216A Diwancheruvu, Rajamahendravaram East Godavari District A P Rep by its Project Director- 533353.
3. The District Collector-(Cum-Nodal Officer), East Godavari District, Kakinada- 533001.
4. The District Collector, Dr.B.R.Ambedkar Konaseema District, Amalapuram- 533222.

5. The Deputy Executive Engineer, R and B Department Kothapeta Konaseema District Erstwhile East Godavari District-533233.
6. The Tahsildar, Ravulapalem Revenue Mandal, Dr.B.R.Ambedkar Konaseema (Erstwhile East Godavari) District-533238.
7. M/s Diwantham Tollways PvtLtd, Rep by its Director Rajamahendravaram East Godavari District-533101.

...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 a writ order or orders more particularly one in the nature of Writ of Mandamus declaring the action of the respondents without follow due process of law for issuance notice for undertake for expansion/extension of Road of the NH-216A relating to the Petitioners properties covered Legal Opinion dated 06-03-2021 (Two Registered Sale Deeds) an extent of 84.7 square yards of 71.71 square meters in Sy. No. 265/3 covered under Registered Sale Deed dated 28-07-1988 vide Document No. 866/1988, for an extent of 84.7 square yards of 71.71 square meters in Sy. No. 265/3 under Registered Sale Deed dated 28-07-1988 vide Document No. 868/1988 respectively, situated at Ravulapalem Village and Mandal of Erstwhile East Godavari District Presently Dr. B.R.Ambedkar Konaseema District are being illegal, arbitrary, violation of Princials of Natural Justice, violation of Fundamental Rights under the Constitution of India and Violation Mandatory Provisions/Rules of the Land Acquisition Act 2013;

IA NO: 1 OF 2026:

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 direct not to under take for expansion/extension of Road of the NH-216A relating to Petitioners Properties covered Legal Opinion dated 06-03-2021 (Two Registered Sale Deeds) an extent of 84.7 square yards of 71.71 square meters in Sy. No. 265/3 covered under Registered Sale Deed dated 28-07-1988 vide Document No. 866/1988, for an

extent of 84.7 square yards of 71.71 square meters in Sy. No. 265/3 under Registered Sale Deed dated -28-07-1988 vide Document No. 868/1988 respectively, situated at Ravulapalem Village and Mandal of Erstwhile East Godavari District Presently Dr. B.R.Ambedkar Konaseema District, pending disposal of WP.No.16059 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 upon hearing the arguments of Sri G.Simhadri, Advocate for the Petitioners and GP for Revenue for Resjpondent Nos.3 to 6, the Court made the following;

ORDER:

Learned counsel for the petitioner submitted that the respondents without following due process of law and without issuing notice are trying to interfere with their possession over the subject properties. He further submitted that if the said action is materialized, it affects the rights of the petitioners, as such, prayed to pass appropriate orders.

2. On the other hand, learned counsel for the respondents on instructions submitted that notice has been issued on the petitioners. A copy of the said notice has been placed on record along with the instructions. As such, the petitioners cannot say that no notice has been issued, accordingly, prayed to dismiss the writ petition.

3. Perused the record.

4. A perusal of the notice would show that it was addressed to the petitioner with blank particulars. It can be further seen that, it was like a proforma notice and also the purpose of issuing the notice was not mentioned in it. Further, in the said notice the subject was referred as 'notice under Sub Section 2 of Section 26 of Act, 2007, however, the learned counsel for the respondents contended that the provision mentioned in the said notice was wrong and relied on Section 26(2) of the Control of National Highways (Land and Traffic) Act, 2002. This shows that the authorities issued the said notice without proper application of mind. Even otherwise, the petitioner is disputing about the

issuance of notice. Further, there is no material placed before this Court to satisfy that the said notice has been served on the petitioners.

5. *Prima facie*, a point has been made out for consideration, as such, this Court is inclined to pass the following interim order:

“Respondents are directed not to interfere with the petitioners subject properties except under due process of law.”

6. For counters, post on 22.07.2026.

//TRUE COPY//

Sd/-U.SRIDEVI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Union of India, Road and Transport and Highway Department, Transport Bhawan, 1 Parliament Street, New Delhi- 110001.
2. The Project Director, National Highway Authority of India, Project Implementation Unit, its Office Adjacent to Toyota Showroom NH216A Diwancheruvu, Rajamahendravaram East Godavari District A P - 533353.
3. The District Collector-(Cum-Nodal Officer), East Godavari District, Kakinada- 533001.
4. The District Collector, Dr.B.R.Ambedkar Konaseema District, Amalapruam- 533222.
5. The Deputy Executive Engineer, R and B Department Kothapeta Konaseema District Erstwhile East Godavari District-533233.
6. The Tahsildar, Ravulapalem Revenue Mandal, Dr.B.R.Ambedkar Konaseema (Erstwhile East Godavari) District-533238.
7. The Director, M/s Diwantham Tollways PvtLtd, Rajamahendravaram East Godavari District-533101. (Addressee Nos.1 to 7 by **RPAD**)
8. One CC to Sri. G.Simhadri, Advocate [OPUC]
9. One CC to Sri.S.S.Varma, Advocate [OPUC]
10. Two CCs to GP for Revenue, High Court of AP [OUT]
11. One spare copy

HIGH COURT

RC,J

DATED:24/06/2026

Pos ton 22.07.2026

ORDER

WP.No.16059 of 2026

DIRECTION

