



(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
WRIT PETITION NO: 16345 OF 2023

Between:

Sri Sagi Udaya Bhaskara Raju, S/o.Subba Raju, aged about 60 years, Occ.
Business, r/o.D.No.16/387-2, Pamarru road, Gudivada, Krishna District.

...Petitioner

AND

1. The State of Andhra Pradesh, rep. By its Principal Secretary, Revenue (Land Acquisition) Department, Secretariat, Velagapudi, Amaravath, Guntur District.
2. The Competent Authority (LA), NH165 and Joint Collector, Krishna District, Machilipatnam.
3. The District Collector, Krishna District, Machilipatnam.
4. THE Tahasildar, Gudivada, Krishna District
5. Gokavarapu Venkata Lakshmi, W/o.Maturi Srinivasu, Hindu, aged 48 years, r/o.D.No.15/221-1, Satyanarayanapuram, Gudivada, Krishna District

...Respondents

WHEREAS the Petitioner above named through his Advocate SRI P A SESHU presented this 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, direction or order, more particularly one in the nature of Writ of Mandamus declaring that the action of the Respondent No.4 in issuing impugned notice in RC.DT/293/2023 dated 01-05-2023 and further threatening to initiate criminal action against me in respect of payment of compensation for acquisition of my land of an extent of 130sq.mts. In a 3G award enquiry and Award NO.03/2023 /NH-165 dated 02-02-2023 of the respondent No.2, even without considering the objections dated 08-05-2023 and following the due process of law is arbitrary, illegal, unjust and whimsical and violation of Article 14, 19, 21 and 300 A of Constitution of India besides in breach of Statutory provisions of law and in violation of principles of natural justice and consequently direct the respondents 3 and 4 not to take or initiate any coercive steps against me in furtherance of the impugned notice in the interests of justice

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri P A SESHU Advocate for the Petitioner, GP FOR LAND ACQUISITION for the Respondent Nos.1 to 4, directed issue of notice to the Respondent No.5, herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

Gokavarapu Venkata Lakshmi, W/o.Maturi Srinivasu, R/o.D.No.15/221-1,
Satyanarayanapuram, Gudivada, Krishna District

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, within four weeks

IA NO: 1 OF 2023

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 stay all further proceedings in pursuance of the impugned notice Rc.DT/293/2023 dated 01-05-2023 issued by the 5th respondent including threatened coercive actions against the petitioner in the interest of Justice, pending disposal of WP No. 16345 of 2023, on the file of the High Court.

The Court made the following: ORDER

Heard learned counsel for the petitioner.

Also heard learned Assistant Government Pleader for Land Acquisition, who placed a copy of the statement of the petitioner recorded in the Proceedings under Section 3-G of the National Highways Act, 1956.

In the writ petition, notice dated 01.5.2023 issued by the 4th respondent is under challenge, to which admittedly the petitioner submitted his explanation on 08.5.2023. It appears that on the said explanation, the 4th respondent has to submit a report to the 2nd respondent for appropriate action, but so far no further action is taken.

Since the petitioner has already submitted his explanation, the 4th respondent shall take the same into consideration, while submitting report. Further, before passing orders on the report, the 2nd respondent shall give an opportunity to the petitioner. Till passing of orders, no coercive action shall be resorted to against the petitioner.

List the matter after four weeks.

Issue notice to respondent No.5.

Learned counsel for the petitioner is permitted to take out personal notice on respondent No.5 by registered post with acknowledgement due and file proof of service in the Registry by the date of next adjournment.

Sd/- M. SRINIVAS
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

For

To,

1. Gokavarapu Venkata Lakshmi, W/o.Maturi Srinivasu, R/o.D.No.15/221-1, Satyanarayanapuram, Gudivada, Krishna District (by RPAD- along with a copy of petition and Affidavit)
2. One CC to SRI. P A SESHU Advocate [OPUC]
3. Two CCs to GP FOR LAND ACQUISITION ,High Court of Andhra Pradesh. [OUT]
4. One spare copy

PSR

HIGH COURT

NJS,J

DATED:12/07/2023

NOTE: LIST THE MATTER AFTER FOUR WEEKS

NOTICE BEFORE ADMISSION

WP.No.16345 of 2023

INTERIM DIRECTION

