

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

THURSDAY, THE TWENTY SEVENTH DAY OF JULY,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
WRIT PETITION NO: 18842 OF 2023



BETWEEN:

1. Gurrampati Kiranmai Reddy,
W/o. G. Chandrasekhar,
Aged 47 Years, Occ: House Wife,
R/o. Valleravari Palli Village, Badvel
Municipality, Gopavaram Mandal,
YSR District.
2. Madakala Raghurami Reddy,
S/o. M. Abbi Reddy, aged 58 Years,
Occ: Cultivation, R/o. Madakalavari Palli
Village, Badvel Municipality, Gopavaram
Mandal, YSR District.
3. Madakala Ramachandra Reddy,
S/o. M. Abbi Reddy,
Aged 73 Years, Occ: Cultivation,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.
4. Thammavarupu Venkata Subramanyam,
S/o. Late Suryanayana, aged 71 Years,
Occ: Cultivation, R/o. H.No.4-32-1496,
Plot No.C156, Phase-II, Near Last Bus Stop,
Alwyn Colony, Kukatpally, Hyderabad.
5. Paturu Rama Subba Reddy,
S/o. P.Shivram Reddy,
Aged 45 Years, Occ: Cultivation,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.

6. Paturu Padmavathi,
W/o. P.Shivram Reddy,
Aged 67 Years, Occ: Housewife,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.
7. Panga Gurivi Reddy, S/o. P. Bala Gurvi Reddy,
Aged 52 Years, Occ: Cultivation,
R/o. H.No.4-1-846, Anjaneya Nagar,
Konda Reddy Street, Badvel Municipality,
Gopavaram Mandal, YSR District.
8. Paturu Venkata Reddy,
S/o. P.Venkata Subba Reddy,
Aged 53 Years, Occ: Cultivation,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.
9. Paturu Sesh Reddy, S/o. Late P.Subhi Reddy,
Aged 72 Years, Occ: Cultivation,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.
10. Paturu Raghava Reddy, S/o. P.Sesh Reddy,
Aged 44 Years, Occ: Cultivation,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.
11. Paturu Suryanarayana Reddy, S/o. P.Sesh Reddy,
Aged 49 Years, Occ: Cultivation,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.
12. Paturu Bujjamma, W/o. P.Suryanarayana Reddy,
Aged 36 Years, Occ: Housewife,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.

13. Laddikam Suresh Babu,
S/o. L. Subba Rayudu,
Aged 42 Years, Occ: Cultivation,
R/o. Door No. 18/149, Pedda Agraharam,
Badvel Municipality,
Gopavaram Mandal, YSR District.

14. Komaragiri Srinivasa Rao,
S/o. K. Ramsubba Rao,
Aged 45 Years, Occ: Cultivation,
R/o. Door No. 2-1-158,
Yagava Brahmana Street,
Badvel Municipality, Gopavaram Mandal,
YSR District.

15. Hanmanthu Subramanayam,
S/o. H. Subbaramaiah,
Aged 65 Years, Occ: Cultivation,
R/o. Door No. 18/182, Pedda Agraharam
Badvel Municipality, Gopavaram Mandal,
YSR District.

16. Daddam Revathi, W/o. D. Venkateshwarlu,
Aged 30 Years, Occ: Housewife,
R/o. Door No. 18/0, Chinna Agargharam,
Badvel Municipality,
Gopavaram Mandal, YSR District.

17. Tudimella Seshaiyah, S/o. T. Nagaiah,
Aged 78 Years, Occ: Cultivation,
R/o. Door No. 8/2/95-1, Sastri Nagar,
Near Old Municipal Office,
Badvel Municipality,
Gopavaram Mandal, YSR District.

18. Paturu Venkata Subba Reddy,
S/o. P. Gangireddy,
Aged 46 Years, Occ: Cultivation,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.

19. Bovilla Sura Reddy,
S/o. Late B. Mysura Reddy,
Aged 66 Years, Occ: Cultivation,

R/o. Door No.8-3-183-1, 2, 3,
ASP Ramam Street, Badvel Municipality,
Gopavaram Mandal, YSR District.

20. Paturu Adi Lakmamma,
W/o. Late P.Subba Reddy,
Aged 80 Years, Occ: Housewife,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.

21. Kola Subba Raja, S/o. K.Subbarayudu,
Aged 57 Years, Occ: Cultivation,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.

22. Maddala Nagaraja Reddy,
S/o. M.Konda Reddy,
Aged 48 Years, Occ: Cultivation,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.

23. Maddala Samba Shiva Reddy,
S/o. Late M.Konda Reddy,
aged 68 Years, Occ: Cultivation,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.

24. Maddala Bala Konda Reddy,
S/o. M.Konda Reddy,
Aged 54 Years, Occ: Cultivation,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.

25. Maddala Raghuram Reddy,
S/o. M.Konda Reddy,
Aged 64 Years, Occ: Cultivation,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.

26. Munugapati Sumalatha,
W/o. G.Govind,
Aged 37 Years, Occ: Housewife,
R/o. Door No.3-5, Gundlagunta Village
& Mandal, YSR District.
27. B.Nageshwar Rao,
S/o. Late B.Laxmi Narasaiah,
Aged 61 Years, Occ: Cultivation,
R/o. Vallevari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.
28. Guddaluru Sanjeev Kumar,
S/o. G.Sanjeva Rayudu,
Aged 48 Years, Occ: Cultivation,
R/o. Door No.4-1-606/1, Mahabubnagar,
Near Ratnam English Medium High School,
Badvel Municipality,
Gopavaram Mandal, YSR District.
29. Kataru Sudha, W/o. Venkateshwarlu,
Aged 46 Years, Occ: Housewife,
R/o. Door No.4/3/46, Marothoma Nagar
Badvel Municipality,
Gopavaram Mandal, YSR District.
30. Mora Nagesh, S/o. Bala Subbaiah,
Aged 40 Years, Occ: Cultivation,
R/o. Sandrapalli Village,
Gopavaram Mandal, YSR District.
31. Mora Ramanamma, W/o. Bala Subbaiah,
Aged 57 Years, Occ: Cultivation,
R/o. Sandrapalli Village,
Gopavaram Mandal, YSR District.
32. Paturu Venkata Subba Reddy,
S/o. P.Subba Reddy,
Aged 52 Years, Occ: Cultivation,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.

33. Uppalapati Chinna Ramanaiah,
S/o. Late U.Venkataiah,
Aged 51 Years, Occ: Cultivation,
R/o. Door No.7-311, Anjaneya Nagar,
Badvel Municipality,
Gopavaram Mandal, YSR District.
34. Vaddireddy Adi Lakshumma,
W/o. V.Chinna Subba Reddy,
Aged 72 Years, Occ: Housewife,
R/o. Door No.3-2-98, Kapu Street,
Badvel Municipality, Badvel, YSR District.
35. Vaddireddy Venkata Subba Reddy,
S/o. V.Chinna Subba Reddy,
Aged 54 Years, Occ: Cultivation,
R/o. Door No.3-2-98, Kapu Street,
Badvel Municipality, Badvel,
YSR District.
36. Kopparapu Venkata Subbaiah,
S/o. K.Kondaiah, aged 41 Years,
Occ: Cultivation, R/o. Door No.3-2-702,
Bestha Street, Badvel Municipality,
YSR District.
37. Kola Sriramulu, S/o. K.Subba Rayudu,
Aged 46 Years, Occ: Cultivation,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.
38. Singasani Suhasini, W/o. S.Pullaiiah,
Aged 39 Years, Occ: Housewife,
R/o. Door No.4-1-977, Anjaneya Nagar,
Nagabhushanam Line, Nellore Road,
Badvel Municipality, Badvel
YSR District.
39. Gangineni Girija Rani,
W/o. G.Jayaaramulu,
Aged 58 Years, Occ: Housewife,
R/o. Door No.4-1-742/1, Anjaneya Nagar,
Near Naushad Cinema Hall,
Badvel Municipality, YSR District.

40. Neeli Venkata Subbaiah, S/o. Subbaiah,
Aged 51 Years, Occ: Cultivation,
R/o. Door No.2-2-604, Abbarathi Street,
Badvel Municipality, Badvel, YSR District.
41. Chapparapu Subba Rao,
S/o. Subbarayudu,
Aged 57 Years, Occ: Cultivation,
R/o. Door No.3-1-149, Ashok Nagar 2
Nellore Road, Badvel Municipality,
Badvel, YSR District.
42. Bommidala Venkata Ramaniah,
S/o. B.Subramanayam,
Aged 68 Years, Occ: Cultivation,
R/o. Door No.1-76A,
Peddagopavaram Village,
Gopavaram Mandal, YSR District.
43. Eerla Rosaiah, S/o. E.Peddaiah,
Aged 52 Years, Occ: Cultivation,
R/o. Door No.5/46, Sanga Samudram,
Gopavaram Mandal, YSR District.
44. Maddika Ramachandra Reddy,
S/o. M.Subba Reddy,
Aged 70 Years, Occ: Cultivation,
R/o. Door No.2-69, Konarachapalli Village
& Post, Atluri Mandal, YSR District.
45. Paturu Padmavathi,
W/o. P.Jayaram Reddy,
Aged 55 Years, Occ: Housewife,
R/o. Madakalavari Palli Village,
Badvel Municipality,
Gopavaram Mandal, YSR District.
46. Vaddireddy Srinivasula Reddy,
S/o. V.Chinna Venkata Subba Reddy,
Aged 40 Years, Occ: Cultivation,
R/o. Door No.3-2-268, Kapu Street,
Badvel Municipality, Badvel
YSR District.

47. Vaddireddy Ramanamma,
W/o. Venkata Subba Reddy,
Aged 55 Years, Occ: Housewife,
R/o. Door No.3-2-45, Kapu Street,
Badvel Municipality, Badvel
YSR District.

48. Vaddireddy Subba Reddy,
S/o. Chinna Venkata Subba Reddy,
Aged 50 Years, Occ: Cultivation,
R/o. Door No.3-2-300, Ashok Nagar,
Badvel Municipality, Badvel, YSR District.

... PETITIONERS

And

1. The Union of India,
Rep. by its Secretary,
National Highways, New Delhi.

2. The National Highway Authority of India,
Rep. by its Project Director,
Kadapa, YSR District

3. The Competent Authority (L.A.) &
Joint Collector,
YSR Kadapa.

4. The District Collector (Arbitrator),
Kadapa, YSR Kadapa District.

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 of Mandamus, or any other appropriate writ, order or direction, declaring the action of the 2nd and 3rd respondents in not depositing the entire amount determined under the Order No.9/10/2022-23 (Ref.NHAI/175/2021) dated 16.02.2023 under Sec.3H of the National Highway Act, 1956 as illegal, arbitrary and violative of Article 300-A of the Constitution of India and further direct the respondents to immediately deposit the said amounts as determined under the Order No.9/10/2022-23 (Ref.NHAI/175/2021) dated 16.02.2023 in respective accounts of the petitioners.

Petition under Section 151 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 not to dispossess the petitioners from the respective extents 1st petitioner (Ac.0.57 cents in Sy.Nos.750-1B, 753-2 & 754-2, 755-2), 2nd petitioner extent of (Ac.0.33 cents in Sy.Nos.777-2 & 778-2), 3rd petitioner extent of (Ac.0.31 cents in Sy.Nos.777-2 & 778-2), 4th petitioner extent of (Ac.0-19 Cents in Sy.Nos.750-1B, 750-2B), 5th petitioner extent of (Ac.0-30 Cents in Sy.Nos.725-2B), 6th petitioner extent of (Ac.0-37 Cents in Sy.Nos.725-3B), 7th petitioner extent of (Ac.0-27 Cents in Sy.Nos.750-1B, 750-2B, 778-2), 8th petitioner extent of (Ac.0-32 Cents in Sy.Nos.733-2, 734-2B, 780-1B), 9th petitioner extent of (Ac.0-04 Cents in Sy.Nos.734-2B), 10th petitioner extent of (Ac.0-14 Cents in Sy.Nos.734-2B), 11th petitioner extent of (Ac.0-12 Cents in Sy.Nos.735-4B), 12th petitioner extent of (Ac.0-19 Cents in Sy.Nos.735-6A), 13th petitioner extent of (Ac.0-66 Cents in Sy.Nos.8-4B), 14th petitioner extent of (Ac.0-35 Cents in Sy.Nos.34-2), 15th petitioner extent of (Ac.0-33 Cents in Sy.Nos.12-1B), 16th petitioner extent of (Ac.0-09 Cents in Sy.Nos.15-2B), 17th petitioner extent of (Ac.0.02 cents in Sy.Nos.37-2), 18th petitioner extent of (Ac.0.10 cents in Sy.Nos.782-1B), 19th petitioner extent of (Ac.0-14.5 Cents in Sy.Nos.778-2), 20th petitioner extent of (Ac.0-10.5 Cents in Sy.Nos.758-1, 726-1B), 21st petitioner extent of (Ac.0-25.5 Cents in Sy.Nos.766-2), 22nd petitioner extent of (Ac.0-09.9 Cents in Sy.Nos.758-1, 758-2A, 758-3A, 761-1), 23rd petitioner extent of (Ac.0-09.9 Cents in Sy.Nos.758-1, 758-2A, 758-3A, 761-1), 24th petitioner extent of (Ac.0-09.9 Cents in Sy.Nos.758-1, 758-2A, 758-3A, 761-1), 25th petitioner extent of (Ac.0-10.4 Cents in Sy.Nos.758-1, 758-2A, 758-3A, 761-1), 26th petitioner extent of (Ac.0-04 Cents in Sy.Nos.751-2), 27th petitioner extent of (Ac.0-04.7 Cents in Sy.Nos.751-2), 28th petitioner extent of (Ac.0-03.4 Cents in Sy.Nos.751-2), 29th petitioner extent of (Ac.0-04.2 Cents in Sy.Nos.751-2), 30th petitioner extent of (Ac.0-03 Cents in Sy.Nos.751-2), 31st petitioner extent of (Ac.0.02.5 Cents in Sy.Nos.751-2), 32nd petitioner extent of (Ac.0-10 Cents in Sy.Nos.782-1B), 33rd petitioner extent of (Ac.0-09 Cents in Sy.Nos.759-2), 34th petitioner extent of (Ac.1-49 Cents in Sy.Nos.18-1B, 18-2A, 25-2B), 35th petitioner extent of (Ac.0-63.5 Cents in

Sy.Nos.26-2, 29-2B), 36th petitioner extent of (Ac.0-40.5 Cents in Sy.Nos.780-1B), 37th petitioner extent of (Ac.0-91.5 Cents in Sy.Nos.766-2, 780-1B), 38th petitioner extent of (Ac.0-12 Cents in Sy.Nos.751-2), 39th petitioner extent of (Ac.0-22.5 Cents in Sy.Nos.778-2), 40th petitioner extent of (Ac.0-02.7 Cents, in Sy.Nos.751-2), 41st petitioner extent of (Ac.0-08 Cents in Sy.Nos.761-1, 762-1), 42nd petitioner extent of (Ac.0-08.5 Cents in Sy.Nos.761-1, 762-1), 43rd petitioner extent of (Ac.0-08.5 Cents in Sy.Nos.761-1, 762-1), 44th petitioner extent of (Ac.0-60 Cents in Sy.Nos.726-2B), 45th petitioner extent of (Ac.0-00.5 Cents in Sy.Nos.758-1), 46th petitioner extent of (Ac.0-59.5 Cents in Sy.Nos.26-2, 727-2B), 47th petitioner extent of (Ac.0-39 Cents, in Sy.Nos.30-2) and 48th petitioner extent of (Ac.0-59.5 Cents in Sy.Nos.26-2, 727-2B) pursuant to the Notification issued under Sec.3A (Gazette No.1810(S.O.No.1937(E)) dated 19.05.2021 pending disposal of the writ petition and pass such other order or orders as may deem fit and proper in the circumstances of the case.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. C. Raghu, Senior Counsel for M/s V Sesha Kumari, Advocate for the Petitioners, Sri Harinath N (DEPUTY SOLICITOR GENERAL OF INDIA) for the respondent No.1, Sri S S Varma, Standing Counsel for the respondent No.2 and of GP for Land Acquisition, for the respondent Nos. 3 & 4, the Court made the following

ORDER:

"Heard Mr.C.Raghu, learned Senior Counsel appearing for the petitioners.

Also heard learned counsel representing the National Highways Authority of India, who places reliance on the Judgment in W.P.No.13995 of 2022 & batch dated 20.06.2023.

Learned Senior Counsel while referring to the provisions of the National Highways Act, 1956 (for short 'the Act') more particularly Sections 3E, 3G and 3H of the Act submits that the authorities concerned without depositing the compensation amount payable to the petitioners, is trying to dispossess them from the subject matter property and the same is not sustainable in Law. He submits that earlier the compensation amount was determined by treating the lands as agricultural lands and now the compensation is arrived at on the basis of rates of residential plots and the same has to be deposited. This aspect has to be considered in detail after filing of counters by the concerned respondents.

Be that as it may. As pointed by the learned Senior Counsel, Section 3H of the Act contemplates that the amount determined under Section 3G shall be deposited with the competent authority before taking possession of the land.

In view of the said provision, there shall be a direction to the respondents not to dispossess the petitioners from the subject matter property, without depositing the compensation amount.

List this case after three (3) weeks for filing counters of the concerned respondents."

//TRUE COPY//

For A

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Secretary, Union of India, National Highways, New Delhi.
2. The Project Director, National Highway Authority of India, Kadapa, YSR District
3. The Competent Authority (L.A.) and Joint Collector, YSR Kadapa.
4. The District Collector (Arbitrator), Kadapa, YSR Kadapa District. (Addressee Nos. 1 to 4 by RPAD)
5. One CC to M/s. V SESHAKUMARI Advocate [OPUC]
6. One CC to SRI. HARINATH N (DEPUTY SOLICITOR GENERAL OF INDIA) [OPUC]
7. Two CCs to GP for Land Acquisition, High Court of Andhra Pradesh. [OUT]
8. **One spare copy**

CVSS

HIGH COURT

NJSJ

DATED:27/07/2023

LIST THIS CASE AFTER THREE (3) WEEKS

ORDER

WP.No.18842 of 2023

DIRECTION

