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APHC010430972018



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3333]

WEDNESDAY, THE 8th DAY OF JULY 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 20095/2018

Between:

- 1.Y. RAJA REDDY,, S/O. Y. GANGUL REDDY, AGED 62 YEARS, OCC. AGRICULTURE, R/O. EDIGAPALLI VILLAGE, H/O. BODEVARIPALLI, PUNGANURU MANDAL, CHITTOOR DIKRICT.
- 2.SMT. A. REDDAMMA,, W/O. LATE A. RAGHUNATHA REDDY, AGED ABOUT 58 YEARS, OCC. . AGRICULTURE, R/O. EDIGAPALLI VILLAGE, H/O. BODEVARIPALLI, PUNGANURU MANDAL, CHITTOOR DISTRICT.
- 3.A. MADHU BABU,, W/O. LATE A. RAGHUNATHA REDDY, AGED ABOUT 36 YEARS, OCE. . AGRICULTURE, R/O. EDIGAPALLI VILLAGE, H/O. BODEVARIPALLI, PUNGANURU MANDAL, CHITTOOR DISTRICT.
- 4.S. FIROZA BEE,, W/O. LATE BABA SAHEB, AGED ABOUT 54 YEARS, OCC. . NIL, R/O. EDIGAPALLI VILLAGE, H/O. BODEVARIPALLI, PUNGANURU MANDAL, CHITTOOR DISTRICT.
- 5.S. MOHAMMED ASIF,, S/O. BASHA SAHIB, AGED ABOUT 52 YEARS, OCC. . AGRICULTURE, RIO, EDIGAPALLI VILLAGE, H/O. BODEVARIPALLI, PUNGANURU MANDAL, CHITTOOR DISTRICT.

...PETITIONER(S)

AND

- 1.UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF ROADS, TRANSPORT AND NATIONAL HIGHWAYS, NEW DELHI.
- 2.NATIONAL HIGHWAYS AUTHORITY OF INDIANHAI, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR, MINISTRY OF SHIPPING, ROADS, TRANSPORT AND HIGHWAYS, GOVERNMENT OF INDIA, NEW DELHI.
- 3.CHIEF GENERAL MANAGER, NATIONAL HIGHWAYS AUTHORITY OF INDIA (NHAI), REGIONAL OFFICE AT DOOR NO. 8-2-234/18, ROAD NO. 3, BANJARA HILLS, HYDERABAD.
- 4.PROJECT DIRECTOR, NATIONAL HIGHWAYS AUTHORITY OF INDIA (NHAI), PROJECT IMPLEMENTATION UNIT, CTM ROAD, BAPUJI PARK, MADANAPALLE, CHITTOOR DISTRICT.
- 5.THE COMPETENT AUTHORITY, NH-42 (LAND ACQUISITION OFFICER) AND JOINT COLLECTOR AND ADDITIONAL DISTRICT MAGISTRATE, CHITTOOR, CHITTOOR DISTRICT.
- 6.THE REVENUE DIVISIONAL OFFICER/SUBCOLLECTOR, MADANAPALLE, CHITTOOR DISTRICT
- 7.THE TAHSILDAR, PUNGANURU MANDAL, CHITTOOR DISTRICT.
- 8.THE DISTRICT COLLECTOR, CHITTOOR DISTRICT AT CHITTOOR.

...RESPONDENT(S):

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 toto issue an appropriate writ, or order or direction, more particularly, one in the nature of Writ of Mandamus, declaring the action of the respondents in trying to demolish the house structures and commercial shops and in trying to dispossess the petitioners from their respective lands, i.e an extent of 121.41 Sq. Mtrs. in Sy. No. 177/2A belonging to the 1St petitioner, an extent of Ac.0-16 Cents in Sy. No. 274/10, an extent of Ac.0-03 Cents in Sy. No. 274/11, an extent of Ac.0-31 Cents in Sy. No. 275/2, an extent of Ac.0-19 Cents in Sy. No. 275/7, an extent of Ac.0-25 Cents in Sy. No. 276/1, an extent of Ac.7-59 Cents in Sy. No. 276/2, an extent of Ac.0-22 Cents in Sy. No. 297/5 belonging to the 2nd petitioner, House No.2-356 (Old No. 2-181) belonging to the 3rd petitioner, an extent of 161.88 Sq. Mtrs. in Sy. No. 281/1B and an extent of 121.41 Sq. Mtrs. in Sy. No. 281/9, belonging to the 4th

respondent and an extent of 64 Sq. Mtrs. in Sy. No. 159/1A belonging to the 5th petitioner, all situated at Bodevaripalli Village, Punganur Mandal, Chittoor District for the purpose of widening the road, without paying any compensation to the petitioners, as highly illegal, arbitrary and unconstitutional being violative of Articles 14, 21 and 300-A of the Constitution of India and also violative of principles of natural justice, principles of promissory estoppel and doctrine of legitimate expectation and consequently direct the respondents herein not to dismantle and dispossess the petitioners from their respective lands, i.e an extent of 121.41 Sq. Mtrs. in Sy. No. 177/2A belonging to the 1st petitioner, an extent of Ac.0-16 Cents in Sy. No. 274/10, an extent of Ac.0-03 Cents in Sy. No. 274/11, an extent of Ac.0-31 Cents in Sy. No. 275/2, an extent of Ac.0-19 Cents in Sy. No. 275/7, an extent of Ac.0-25 Cents in Sy. No. 276/1, an extent of Ac.7-59 Cents in Sy. No. 276/2, an extent of Ac.0-22 Cents in Sy. No. 297/5 belonging to the 2nd petitioner, House No.2-356 (Old No. 2-181) belonging to the 3rd petitioner, an extent of 161.88 Sq. Mtrs. in Sy. No. 281/1B and an extent of 121.41 Sq. Mtrs. in Sy. No. 281/9, belonging to the 4th respondent and an extent of 64 Sq. Mtrs. in Sy. No. 159/1A belonging to the 5th petitioner, all situated at Bodevaripalli Village, Punganur Mandal, Chittoor District and pass

IA NO: 1 OF 2018

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 herein not to dismantle and dispossess the petitioners from their lands i.e. an extent of 121.41 Sq. Mtrs. in Sy. No. 177/2A belonging to the 1st petitioner, an extent of Ac.0-16 Cents in Sy. No. 274/10, an extent of Ac.0-03 Cents in Sy. No. 274/11, an extent of Ac.0- 31 Cents in Sy. No. 275/2, an extent of Ac.0-19 Cents in Sy. No. 275/7, an extent of Ac.0-25 Cents in Sy. No. 276/1, an extent of Ac.7-59 Cents in Sy. No. 276/2, an extent of Ac.0- 22 Cents in Sy. No. 297/5 belonging to the 2nd petitioner, House No.2-356 (Old No. 2-181) belonging to the 3rd petitioner, an extent of 161.88 Sq. Mtrs. in Sy. No. 281/1B and an extent of 121.41 Sq. Mtrs. in Sy. No. 281/9, belonging to the 4th respondent and an extent of 64 Sq. Mtrs. in Sy. No. 159/1A belonging to the 5th petitioner, all situated at Bodevaripalli Village, Punganur Mandal, Chittoor District, pending disposal of the writ petition, in the interest of justice and pass

IA NO: 1 OF 2020

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 vacate the interim order passed in IA No.1 of 2018 in WP No.20095 of 2018 dated 18.06.2018 and pass

Counsel for the Petitioner(S):

1.K SRINIVAS

Counsel for the Respondent(S):

1.GP FOR REVENUE (AP)

2.S S VARMA(SR PANEL COUNSEL CENT GOVT)

The Court made the following:

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“... to issue an appropriate writ, or order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in trying to demolish the house structures and commercial shops and in trying to dispossess the petitioners from their respective lands, i.e. an extent of 121.41 Sq. Mtrs in Sy. No. 177/2A belonging to the 1st petitioner, an extent of Ac. 0-16 Cents in Sy.No.274/10, an extent of Ac. 0-03 Cents in Sy. No. 274/11, an extent of Ac. 0-31 Cents in Sy. No. 275/2, an extent of Ac. 0-19 Cents in Sy. No. 275/7, an extent of Ac. 0-25 Cents in Sy. No. 276/1, an extent of Ac. 7-59 Cents in Sy. No. 276/2, an extent of Ac. 0-22 Cents in Sy. No. 297/5 belonging to the 2nd petitioner, House No. 2-356 (Old No. 2-181) belonging to the 3rd petitioner, an extent of 161.88 Sq.Mtrs in Sy. No. 281/1B and an extent of 121.41 Sq. Mtrs. in Sy. No. 281/9, belonging to the 4th respondent and an extent of 64 Sq. Mtrs in Sy. No. 159/1A belonging to the 5th petitioner, all situated at Bodevaripalli Village, Punganur Mandal, Chittoor District for the purpose of widening the road, without paying any compensation to the petitioners, as highly illegal, arbitrary and unconstitutional being violative of Articles 14, 21 and 300-A of the Constitution of India and also violative of principles of natural justice, principles of promissory estoppel and doctrine of legitimate expectation and consequently direct the respondents herein not to dismantle and dispossess the petitioners from their respective lands, i.e. an extent of 121.41 Sq. Mtrs. in Sy. No. 177/2A belonging to the 1st petitioner, an extent of Ac. 0-16 Cents in Sy. No. 274/10, an extent of Ac. 0-03 Cents in Sy. No. 274/11, an extent of Ac. 0-31 Cents in Sy. No. 275/2, an extent of Ac. 0-19 Cents in Sy. No. 275/7, an extent of Ac. 0-25 Cents in Sy. No. 276/1, an extent of Ac. 7-59 Cents in Sy. No. 276/2, an extent of Ac. 0-22 Cents in Sy. No.

297/5 belonging to the 2nd petitioner, House No. 2-356 (Old No 2-181) belonging to the 3rd petitioner, an extent of 161.88 Sq. Mtrs. in Sy. No. 281/1B and an extent of 121.41 Sq. Mtrs. in Sy. No. 281/9 belonging to the 4th respondent and an extent of 64 Sq. Mtrs in Sy. No. 159/1A belonging to the 5th petitioner, all situated at Bodevaripalli Village, Punganur Mandal, Chittoor District....”

2. The case of the petitioners, in brief, is that the 1st petitioner is the owner and possessor of land admeasuring 121.41 Sq. Mtrs. in Sy.No.177/2A; the 2nd petitioner is the owner and possessor of lands admeasuring Ac. 0-16 Cents in Sy.No.274/10, Ac. 0-03 Cents in Sy. No. 274/11, Ac.0-31 Cents in Sy.No.275/2, Ac.0-19 Cents in Sy.No.275/7, Ac.0-25 Cents in Sy.No.276/1, Ac.7-59 Cents in Sy.No.276/2, and Ac.0-22 Cents in Sy.No.297/5; the 3rd petitioner claims ownership over House No.2-356 (Old No 2-181); the 4th petitioner is the owner and possessor of lands admeasuring 161.88 Sq.Mtrs. in Sy.No.281/1B and an extent of 121.41 Sq.Mtrs. in Sy.No.281/9; and the 5th petitioner is absolute owner and possessor of 64 Sq..Mtrs in Sy.No.159/1A, all situated at Bodevaripalli Village, Punganur Mandal, Chittoor District. The petitioners have been in peaceful possession and enjoyment of their respective properties and raised constructions thereon after obtaining the requisite permissions from the competent authorities.

3. While the things stood thus, respondent Nos.4 to 8, along with their staff, allegedly visited the petitioners' land and structures and openly declared that the petitioners would be dispossessed and their residential houses and commercial shops would be demolished without issuing any notice or following

due process of law. Aggrieved by the said action, the petitioners are constrained to file the present writ petition.

4. When the writ petition came up for admission, on 18.06.2018, this Court passed an interim order directing the respondents not to dismantle the petitioners' structures and dispossess them from the subject lands.

5. Respondent No.7 has filed a counter affidavit, wherein it is stated, inter alia, as follows:

a) The Central Government issued Notification No. S.O.323(E), dated 30.01.2017, through the Ministry of Road Transport and Highways (MoRTH), New Delhi, under Section 3A of the National Highways Act, 1956, containing the details of the petition schedule lands for the purpose of construction of the road in the stretch from Km.244/930 to Km.299/775 of National Highway No.42 (Madanapalle–Punganur–Palamaner Section) for building (widening/two lanes with paved shoulders, etc.), maintenance, management and operation in the State of Andhra Pradesh. Accordingly, the Section 3A Notification was published in the Central Gazette vide Notification No. S.O.2376(E), dated 17.07.2017. Thereafter, the Section 3D Notification was published in the Central Gazette vide Notifications S.O.383(E), S.O.451(E) and S.O.452(E), dated 31.01.2018, issued by the Ministry of Road Transport and Highways, New Delhi. Consequent upon the publication of the notification under Section 3D(1) of the National Highways Act, 1956, the necessary public notice under Sections 3G(3) and 3G(4) of the Act, inviting claims from all

persons interested in the lands under acquisition, was published in two daily newspapers. The public notices were also published in *The Times of India* and *Sakshi* on 20.02.2018. Notices were also served on the notified enjoyers, calling upon them to attend the award enquiry on 28.02.2018 before the Joint Collector, Chittoor, the Competent Authority, and to file copies of the required documents to prove their right over the lands proposed for acquisition in order to consider their claims for compensation. Accordingly, an enquiry was conducted; the statements of the pattadars and the interested persons who appeared for the enquiry were recorded and kept in the connected files as part of the record. Finally, the enquiry under Section 3G was conducted on 28.02.2018 at the Tahsildar Office, Punganur, and an Award was passed vide proceedings Award No.NH42 (Old 219)/ Punganur/ Bodevaripalle/ G5/5944/2017, dated 25.04.2018, by the Joint Collector and Additional District Magistrate, Chittoor, who is the Competent Authority for Land Acquisition, NH-42 (Old NH-219), Chittoor. Hence, it is stated that the above notifications are not illegal, arbitrary, unconstitutional or violative of the principles of natural justice.

(b) It is further stated in the counter affidavit that the land in Sy.No.177/2A, admeasuring 121.41 Sq. Mtrs., belongs to the 1st petitioner. The lands in Sy.No.274/10, admeasuring Ac.0.16 cents; Sy.No.274/11A, admeasuring Ac.0.03 cents; Sy.No.275/2, admeasuring Ac.0.31 cents; Sy.No.275/7, admeasuring Ac.0.19 cents; Sy.No.276/1, admeasuring Ac.0.25 cents; Sy.No.276/2, admeasuring Ac.7.59 cents; and Sy.No.297/5,

admeasuring Ac.0.22 cents, belong to the 2nd petitioner. House bearing No.2-356 (Old No.2-181) belongs to the 3rd petitioner. The lands in Sy.No.281/1B, admeasuring 161.88 Sq. Mtrs., and Sy.No.281/9, admeasuring 121.41 Sq. Mtrs., belong to the 4th petitioner. The land in Sy.No.159/5, admeasuring 64.00 Sq. Mtrs., belongs to the 5th petitioner.

(c) It is also stated in the counter affidavit that, in respect of the 1st petitioner, compensation has already been awarded and the payment is pending only for want of his signatures in Form-C and Form-CC. The 1st petitioner is at liberty to receive the compensation already awarded upon signing Form-C and Form-CC. The payment has been kept pending only for want of his signatures in the said forms. In respect of the 2nd petitioner, compensation has already been awarded and paid with proper acknowledgement, i.e., Form-C and Form-CC, and there is no pending payment. In respect of the 3rd petitioner, the lands for which compensation is claimed have already been awarded in the name of her mother, as per the title records. In respect of the 4th and 5th petitioners, compensation has already been awarded and paid to them with proper acknowledgement, i.e., Form-C and Form-CC.

6. Heard learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue.

7. On a perusal of the counter affidavit, it is observed that the compensation amount has already been paid to the petitioner Nos.2, 4 and 5.

Insofar as petitioner No.3 is concerned, her claim cannot be considered as the property stands in the name of her mother, who has already received compensation under proper acknowledgement i.e., Form-C and Form-CC. However, with respect to petitioner No.1, he was awarded compensation, but payment was not done for want of signatures in Form-C and Form-CC.

8. However, it appears that the petitioners have been in possession of the subject land as nowhere in the counter-affidavit, it is mentioned that the petitioners have been dispossessed from the subject property after payment of compensation. In view of the same, there shall be a direction to the respondents not to interfere with the possession of the petitioners without following due process of law.

9. With the above direction, the Writ Petition is disposed of. No costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE V.SUJATHA

Dated: 08.07.2026
KGR