

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

**WEDNESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO**

:PRESENT:

**THE HONOURABLE SRI JUSTICE D RAMESH
WRIT PETITION NO: 31052 OF 2022**



Between:

Smt. Dungavath Chandrakala, W/o D.Ramesh Naik Aged about 27 years, Occ: Business R/o D.No. 1-233/29/2/5, Plot No. 25/2, Prasanthnagar Hydernagar, Kukatpally, Ranga Reddy District Telangana State.

...Petitioner

AND

1. The Union of India, Rep.by its Under Secretary, Roads and National High Ways Authority of India, Central Secretariat, New Delhi
2. The Director National High Ways Authority of India, Room No. 103, Transport Bhavan, Sansad Marg New Delhi.
3. The Regional officer, National High Way Authority of India Ministry of Road Transport and High Ways Vijayawada, Krishna district.
4. The Joint Collector Sri Satya Sai District, Puttaparthi Andhra Pradesh State.

...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, or order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the Respondents in acquiring the petitioner newly established retail outlet by issuing gazette notification dated 8-6-2022 by the 3rd respondent showing the petitioner retail outlet land at Sl.No. 43 without considering the objections raised by the petitioner is highly illegal, arbitrary, contrary to law and violation of Articles 19(1)(g) and 21 of the Constitution of India and consequently direct the respondents not to acquire the petitioner newly established retail outlet land in Sy.No. 336, extent of Ac. 0-81 cents situated at Malakavemula village, Mudigubba Mandal, Sri Satya Sai District.

IA NO: 1 OF 2022

Petition under Section 151 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 direct the respondents 2 to 4 to consider the representation/objections of the petitioner by canceling the acquisition of newly established retail outlet land in Sy.No. 336, extent of Ac. 0-81 cents situated at Malakavemula village, Mudigubba Mandal, Sri Satya Sai District which was shown in Sl.No. 43 of the Gazette Notification dated 8-6-2022 issued by the 3rd respondent, Pending disposal of WP 31052 of 2022, 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 K MALLIKHARJUNA MOORTHY Advocate for the Petitioner, and of Sri N.Harinath Advocate for respondent No.1, and of Sri S.S.Varma, Advocate for the Respondent Nos.2 & 3, and of GP for Revenue for respondent No.4, and the Court made the following;

ORDER:

"Registry is directed to print the name of standing counsel for National Highways Authority of India and Government Pleader for Land Acquisition, in the cause list.

Learned senior counsel appearing on behalf of the petitioner would submit that the respondent no.4 has not considered the objections raised by the petitioner under Section 3(c)(1) of NHAI Act in a proper perspective. In fact the petitioner has submitted her objections stating that the petitioner has established a filling station very recently after obtaining all permissions and by incurring huge expenditure. In view of the said circumstances, if the objections were considered in a perspective way, they could have changed the alignment by leaving the land of the petitioner. But solely considering the report of the consultant of 2nd respondent, the 4th respondent has rejected the objections of the petitioner under Section 3(c)(2) of the NHAI Act without applying his mind which is contrary to the provisions of the Act.

Learned senior counsel further submit that while considering the objections filed under Section 3(c)(2) of the NHAI Act, the 4th respondent has referred the matter to the Project Director and the consultant but after getting the report from the consultant, the same was not furnished to the petitioner before passing orders.

Learned Assistant Government Pleader appearing on behalf of the 4th respondent has submitted that though the 4th respondent is not competent authority to decide any technical issue, hence the matter is referred to the technical persons and after obtaining report from the technical persons, the authority has passed order for the benefit of larger public. Though the issues were already settled by the Hon'ble Supreme Court in various cases with regard to the alignment, but considering the contentions raised by the counsel for the petitioner and also the undisputed fact of establishment of filling station very recently, under the circumstances there shall be stay of all further proceedings with regard to the subject property for a period of four (4) weeks.

Post after two (2) weeks".

**Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR**



//TRUE COPY//

SECTION OFFICER

F

To,

- 1. The Under Secretary, Roads and National High Ways Authority of India, Union of India, Central Secretariat, New Delhi.**
- 2. The Director National High Ways Authority of India, Room No. 103, Transport Bhavan, Sansad Marg New Delhi.**

3. The Regional officer, National High Way Authority of India Ministry of Road Transport and High Ways Vijayawada, Krishna district.
4. The Joint Collector Sri Satya Sai District, Puttaparthi Andhra Pradesh. (1 to 4 by RPAD)
5. One CC to SRI. K MALLIKHARJUNA MOORTHY, Advocate [OPUC]
6. One CC to Sri S.S.Varma, Advocate [OPUC]
7. One CC to Sri Sri N.Harinath, Advocate [OPUC]
8. Two CCs to GP for Revenue, High Court of A.P. [OPUC]
9. One CC to Section Officer, Posting Section.
10. One CC to Section Officer, Writ Non-Service Section.
11. One spare copy

KN

HIGH COURT

DR, J

DATED: 28/09/2022

Post after two (2) weeks

ORDER

WP.No.31052 of 2022

STAY

