



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

[3333]

WEDNESDAY, THE 29th DAY OF JULY 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 25922/2018

Between:

- 1.SRI.GANDI MUTYALA NAIDU,, S/O LATE RAMUNAIDU, AGED 55 YEARS, RESIDING AT AMRUTHAPURAM VILLAGE, SABBAVARAM MANDAL, VISAKHAPATNAM DISTRICT

...PETITIONER

AND

- 1.NATIONAL HIGHWAYS AUTHORITY OF INDIA, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, REPRESENTED BY ITS PROJECT DIRECTOR - PIU (GQ) NHAI ENCLAVE, KM 2/8, HANUMANTHAVAKA, VISAKAPATNAM
- 2.THE SPECIAL DEPUTY COLLECTOR, CUM COMPETENT AUTHORITY, LAND ACQUISITION, NATIONAL HIGHWAY -16, VISAKHAPATNAM DISTRICT.
- 3.SRI VENNELA NARASIMHA MURTHY, S/O SATYA RAMUNAIDU, AGE NOT KNOWN, RESIDENT OF AMRUTHAPURAM VILLAGE, SABBAVARAM MANDAL, VISAKHAPATNAM DISTRICT
- 4.SRI THAINANA SREERANGANAYAKULU, S/O SANNI BABU, AGE NOT KNOWN, RESIDENT OF AMRUTHAPURAM VILLAGE, SABBAVARAM MANDAL, VISAKHAPATNAM DISTRICT
- 5.SRI BAILAPUDI SURYA RAO, S/O RAMUNAIDU, AGE NOT KNOWN, RESIDENT OF AMRUTHAPURAM VILLAGE, SABBAVARAM MANDAL, VISAKHAPATNAM DISTRICT

...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 to issue writ of mandamus or any other appropriate writ or order or direction, declaring the action of the 2nd Respondent trying to disburse the

compensation to the respondents 3 to 5 in respect of land admeasuring 0.90 cents, situated in Survey No.351/1 (351/1A and 351/1B), Amruthapuram Revenue Village, Sabbavaram Mandal and Sub-Registry, Visakhapatnam District determined under Award Proceedings ignoring the rival claim of the petitioner by representation dated 07.11.2017 as arbitrary, illegal, contrary to the provisions of National Highways Act, 1956, besides violative of Petitioners rights guaranteed under Article 14 and 300A of Constitutions of India and consequently direct the 2nd respondent to refer the dispute between the petitioner and the respondents 3 to 5 to the decision of the Principal Civil Court of Original Jurisdiction in terms of Section 3H(4) of the National Highways Act, 1956 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 direct the 1st and 2nd Respondents not to disburse the compensation to the 3rd respondent in respect of petitioners land admeasuring 0.90 cents, situated in Survey No.351/1 (351/1A and 351/1B), Amruthapuram Revenue Village, Sabbavaram Mandal and Sub-Registry, Visakhapatnam District acquired under Award Proceedings pending disposal of the Writ Petition and pass

IA NO: 1 OF 2019

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 Pleaded to vacate the interim orders dated 27.7.2018 made in I.A.No.1/2018 in W.P.No.25922/2018 and pass

Counsel for the Petitioner:

1.S.V.S.S.SIVA RAM

Counsel for the Respondent(S):

1.GP FOR LAND ACQUISITION (AP)

2.S S VARMA (SC FOR NHAI)

3.VMR LEGAL

The Court made the following:

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 25922/2018

ORDER:

The present writ petition has been filed under Article 226 of the Constitution of India, seeking the following relief:

“...to issue writ of mandamus or any other appropriate writ or order or direction, declaring the action of the 2nd Respondent in trying to disburse the compensation to the respondents 3 to 5 in respect of land admeasuring 0.90 cents, situated in Survey No.351/1 (351/1A and 351 / IB), Amruthapuram Revenue Village, Sabbavaram Mandal and Sub-Registry, Visakhapatnam District determined under Award Proceedings ignoring the rival claim of the petitioner by representation dated 07.11.2017 as arbitrary, illegal, contrary to the provisions of National Highways Act, 1956, besides violative of Petitioner's rights guaranteed under Article 14 and 300A of Constitutions of India and consequently direct the 2nd respondent to refer the dispute between the petitioner and the respondents 3 to 5 to the decision of the Principal Civil Court of Original Jurisdiction in terms of Section 3H(4) of the National Highways Act, 1956 and pass such other order ...”

2. The case of the petitioner, in brief, is as follows:

(a) The petitioner is the grandson and legal heir of Late Sri Gandhi Gangu Naidu, who was the owner and possessor of Ac.8.96 cents of land in Survey No.351/1 (351/1A & 351/1B), Amruthapuram Village, Sabbavaram Mandal, Visakhapatnam District. After the death of his grandfather, the petitioner inherited ½ share in the property and has been in joint possession. The petitioner grandfather's name is still recorded in the revenue records. The Government initiated the NH-16 road widening project (from 4 lanes to 6 lanes) and issued notifications under the National Highways Act for acquisition of land, including 0.90 cents from the above property. The petitioner was not

informed about the land acquisition proceedings and, therefore, could not participate in the enquiry or submit his claim for compensation.

(b) Later, the petitioner came to know that Respondents 3 to 5 falsely claimed ownership of the acquired land and were trying to receive the entire compensation. After verifying the public notice, the petitioner found that the names of Respondents 3 to 5 were wrongly shown as owners. He immediately submitted a representation dated 07.11.2017 to the Competent Authority, claiming his half share (0.45 cents) and stated that Respondents 3 to 5 had created false documents. The 2nd Respondent called the petitioner to produce his documents. The petitioner appeared and submitted all the required documents. However, no action was taken on his claim.

(c) The petitioner later learnt that the 2nd Respondent had passed the award and started disbursing compensation to Respondents 3 to 5 without considering the petitioner's representation or giving him an opportunity of hearing. This amounts to a violation of the principles of natural justice. Since there was a dispute regarding ownership and entitlement to compensation, the 2nd Respondent ought to have referred the dispute to the Principal Civil Court under Section 3H(4) of the National Highways Act, 1956, instead of deciding the issue in favour of Respondents 3 to 5. Hence, he approached this Court by filing the present writ petition.

3. When the writ petition was came up for admission on 27.07.2018, this Court passed the following interim order:

“...if the compensation for the subject land has not been disbursed by the 2nd respondent, there shall be stay of its disbursement both to the petitioner as well as respondent Nos.3 to 5, pending further orders”.

4. Today, when the matter is taken up for hearing, the learned Assistant Government Pleader for Land Acquisition has placed before this Court written instructions received from the 2nd respondent. The instructions disclose that the awarded compensation amount of Rs.44.03.615/- relating to the acquired land admeasuring 3642 Sq.Mts. (Ac.0-90 cents) in Sy.;No.351/1A1B of Amruthapuram Village, Sabbavaram Mandal has been deposited before the Hon'ble Principal Senior Civil Judge, Anakapalli vide Demand Draft No.091755, Dt.28.07.2026 under sub-section 4 of Section 3-H of National Highways Act, 1956 (for short, 'the NH Act') for adjudication of entitlement among the rival claimants.

5. The above instructions make it clear that the competent authority has already referred the dispute regarding entitlement between the petitioner and the respondents 3 to 5 herein to compensation to the Principal Senior Civil Judge, Anakapalli, by depositing the awarded amount in terms of Section 3H(4) of the National Highways Act, 1956.

6. In view of the above development, no further orders are required in the present writ petition. It is open to the petitioner as well as respondents 3 to 5 to appear before the Principal Senior Civil Judge, Anakapalli, and establish their respective rights and entitlement over the acquired land. Upon adjudication of the rival claims, the learned Principal Senior Civil Judge shall

disburse the compensation to the parties in accordance with their entitlement and in accordance with law.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this case shall stand closed.

JUSTICE V.SUJATHA

Date: 29.07.2026

KA

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 25922/2018

Date: 29.07.2026

KA