

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE SECOND DAY OF SEPTEMBER TWO THOUSAND AND TWENTY
FOUR

**:PRESENT:
THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY**

WRIT PETITION NO: 18266 OF 2024

Between:

1. T Pavan Kalyan, s/o T.Bheemsen, Occ.Engineer, r/o D.D.Colony, Hyderabad, Telangana.
2. T.Pranai Kumar, S/o T.Bheemsen, Occ. Advocate, r/o D.D.Colony, Hyderabad, Telangana.
3. T.Bheemsen, s/o late T.Umapathi Rao, Occ. Advocate, r/o D.D.Colony, Hyderabad, Telangana.

Petitioners

AND

1. The Union of India, Ministry of Road transportation and National High Way, Transport Bhavan, Parliament Street, New Delhi, Rep.by its Secretary
2. The State of Telangana, Roads and Buildings Department, Telangana Secretariat, Hyderabad. Rep. by its Principal Secretary
3. The State of Telangana, irrigation and CAD Department, Telangana Secretariat, Hyderabad Rep. by its Principal Secretary
4. National Highway Authority of India NHAI, g-5 and 6, Sector-10, Dwaraha, New Delhi-110075, Rep.by its Secretary
5. The Director, National Highways of Authority of India, New Delhi.
6. The Regional Officer, National Highway Authority of India(NHAI), floor, New Building Administrative Staff College of Inida(ASCI) college Park Road, Road No.3, Bajara Hills, Hyderabad-34
7. The project Director-cum-P10, Project implementation Unit-Gajwel, National Highway Authority of india(NHAI), H.NO.11-173/A, Sri Shiva Parvathi Nilayam, Sangapur Road, Gajwel, Siddipet District-502278.
8. District Collector, Siddipet District, Integrated District Offices complex, Duddela village, Kondapak Mandal, Siddipet-502277
9. The Competent Authority-cum-Revenue Divisional Officer, Gajwel Revenue Division, Siddipet District, Integrated offices complex Gajwel, Siddipet distirct-502278.
10. Chandraiah, Retd. M.R.O, Mahboobnagar, c/o Competent Authority-cum-Revenue Divisional Officer, Gajwel Revenue Division, Siddipet District, Integrated offices complex Gajwel, Siddipet distirct-502278.
11. The Ministry of Forest, Environmental, Forest, Climatic changes, Parliament Street, New Delhi, Rep.by its Secretary
12. The Environmental Engineer, Telangana State Pollution Control Board, Regional Office, Hyderabad.

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 order or orders more particularly a Writ of CERTIORARI calling for the records pertaining to the notification number S.O.No.3993(E) dt.23-08-2022 issued by the 5th respondent under Sec.3-A(1) of the National Highways Act, 1956 published in the National Official Gazette no.3819 dt.24-08-2022, in so far as the lands of the petitioners is concern in Sy.No.428-Acre-3.25, Sy.No.433-Acre-0.32, Sy.No.434-Acre-3.19, Sy.No.431-Acre-4.16, in total to an extent of Acres-12.12 Guntas, situated at Chebarthy village, Markook Mandal, Siddipet District, and the Consequential Notification issued by the 1st Respondent under Section 3(D) of the said Act vide proceeding with S.O.No.3553(E) dt. 08-08-2023 published in the Gazette no.3400, dt.08-08-2023 including the Award Enquiry Notice No.B/467/23 dt.23-02-2024 of 9th Respondent and QUASH them, after declaring them as illegal, arbitrary, against the principles of Natural Justice, without jurisdiction, Null and void, contrary to provisions of National Highways Act and violating of the provision of National Highway Act, in the interest of justice.

IA NO: 2 OF 2024

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 STAY all further proceedings in pursuance of the Impugned notification of the 5th respondent in 5.O..3993(E) dt.23-08-2022, along with notification in S.O.3553E, dated 08.08.2023, in so far as the lands of the petitioner in Sy.No.428-Acre 3.25, Sy.No.433-Acre 0.32, Sy.No.434- Acre 3.19, Sy.No.431-Acre-4.16, in total to an extent of Acres 12 and 12 Guntas, situated at Chebarthy village, Mathoolq mandal, Siddipet District, pending disposal of WP 18266 of 2024, on the file of the High Court.

IA NO: 1 OF 2024

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 SUSPEND the Impugned notification of the 5th respondent in S.O..3993(E) dt.23-08-2022, along with notification in S.O.3553E, dated 08.08.2023, in so far as the lands of the petitioner in Sy.No.428-Acre 3.25, Sy.No.433-Acre 0.32, Sy.No.434-Acre 3.19, Sy.No.431 -Acre 4.16, in total to an extent of Acres 12 and 12 Guntas, situated at Chebarthy village, Mathook mandal, Siddipet District, pending disposal of WP 18266 of 2024, 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 B SUDHAKAR REDDY, Advocate for the Petitioners and Sri GADI PRAVEEN KUMAR, Dy. SOLICITOR GEN. OF INDIA for the Respondent Nos.1 & 11 and GP for R &B for the Respondent No.2 and Sri Padma Rao Lakkaraju, SC for NHIA for the Respondent No.4 to 7 and Sri M. Pranav, Advocate for the Respondent No.12 and GP for Irrigation for the RespnodentNo.3 and GP for Revenue for the Respondent Nos.8 to 10, the Court made the following.

ORDER:

Counter affidavit has been filed by respondent No.7. Respondent Nos.6 and 9 being competent authority has not filed counter affidavit. The respondent No.7 in his counter affidavit has not stated that he is deposing on behalf of respondent Nos.6 and 9. In the absence of authorizing respondent No.7 to depose the counter affidavit on behalf of respondent Nos.6 and 9, it cannot be treated that counter affidavit filed by respondent No.7 is on behalf of respondent Nos.6 and 9.

Learned counsel seeks time to file counter affidavits on behalf of respondent Nos.6 and 9.

It is stated by learned counsel for the petitioners that questioning similar notification, similarly situated persons filed W.P.No.4586 of 2023 on the file of this Court and this Court on 22.08.2023 granted interim order. Therefore, prays for similar relief to the petitioners herein.

In view of the same, pending filing of counter affidavits by respondent Nos.6 and 9, *status quo* obtaining as on today shall be maintained with regard to the land belonging to the petitioners in Sy.Nos.428, 433, 434 and 431 situated at Chebarthy Village, Markook Mandal, Siddipet District.

List this case along with W.P.No.4586 of 2023 on 03.09.2024.

//TRUE COPY//

SD/- A.V.S.PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Secretary, Union of India, Ministry of Road transportation and National High Way, Transport Bhavan, Parliament Street, New Delhi
2. The Principal Secretary, Roads and Buildings Department, State of Telangana, Telangana Secretariat, Hyderabad.
3. The Principal Secretary, irrigation and CAD Department, State of Telangana, Telangana Secretariat, Hyderabad
4. The Secretary, National Highway Authority of India NHAI, g-5 and 6, Sector-10, Dwaraha, New Delhi-110075
5. The Director, National Highways of Authority of India, New Delhi.
6. The Regional Officer, National Highway Authority of India(NHAI), floor, New Building Administrative Staff College of Inida(ASCI) college Park Road, Road No.3, Bajara Hills, Hyderabad-34
7. The project Director-cum-P10, Project implementation Unit-Gajwel, National Highway Authority of india(NHAI), H.NO.11-173/A, Sri Shiva Parvathi Nilayam, Sangapur Road, Gajwel, Siddipet District-502278.

8. District Collector, Siddipet District, Integrated District Offices complex, Duddela village, Kondapak Mandal, Siddipet-502277
9. The Competent Authority-cum-Revenue Divisional Officer, Gajwel Revenue Division, Siddipet District, Integrated offices complex Gajwel, Siddipet distirct-502278.
10. Chandraiah, Retd. M.R.O, Mahboobnagar, c/o Competent Authority-cum-Revenue Divisional Officer, Gajwel Revenue Division, Siddipet District, Integrated offices complex Gajwel, Siddipet distirct-502278.
11. The Secretary, Ministry of Forest, Environmental, Forest, Climatic changes, Parliament Street, New Delhi
12. The Environmental Engineer, Telangana State Pollution Control Board, Regional Office, Hyderabad. (1 to 12 by RPAD)
13. One CC to SRI B SUDHAKAR REDDY, Advocate [OPUC]
14. One CC to SRI GADI PRAVEEN KUMAR Dy. SOLICITOR GEN. OF INDIA Advocate [OPUC]
15. Two CCs to GP for R & B, High Court at Hyderabad. (OUT)
16. Two CCs to GP for Irrigation, High Court at Hyderabad. (OUT)
17. Two CCs to GP for Revenue, High Court at Hyderabad. (OUT)
18. One spare copy

HIGH COURT

CVBR,J

DATED:02/09/2024

List this case along with W.P.No.4586 of 2023 on 03.09.2024

ORDER

WP.No.18266 of 2024

STATUS QUO

