

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
THE HON'BLE SRI JUSTICE NINALA JAYASURYA
WRIT PETITION No.19970 of 2023

Between:-

Badithaboina Apparao Petitioner

And

The State of Andhra Pradesh,
Represented by its Principal Secretary,
Revenue(Land Acquisition),
Secretariat, Velagapudi,
Amaravati, Guntur District & Others. Respondents

Counsel for the Petitioner : Mr.Mahadeva Kanthrigala

Counsel for the Respondents : G.P. for Land Acquisition
G.P. for Roads & Buildings
Mr.S.S.Varma,
Standing Counsel for NHAI

ORDER:

Heard learned counsel for the petitioner. Also heard learned Assistant Government Pleader for Land Acquisition, learned Assistant Government Pleader for Roads & Buildings and Mr.S.S.Varma, learned Standing Counsel for NHAI. With their consent, the Writ Petition is disposed of at the stage of admission.

2. The Writ Petition is filed seeking to declare the action of the respondents seeking to dispossess the petitioner from the subject matter shop bearing No.2-147(Old No.1-116), Gokavaram Village and Gokavaram Mandal, East Godavari District, without following the due procedure, as illegal, arbitrary etc., and for consequential directions.

3. The learned counsel for the petitioner submits that the petitioner is the owner and possessor of the above mentioned shop, which was purchased under an Agreement of Sale in the year 2004 and since then, the petitioner is running the business and eking out his livelihood. He submits that the petitioner had obtained Electricity Service Connection to the said shop and also paying the taxes to the concerned authorities regularly. While so, the learned counsel submits that the respondents on 11.07.2023 came to the petitioner's shop and made some marks on the premise of widening the National High Way Road and to construct a bridge from Rajahmundry to Vizianagaram 516E. He submits that the said action on the part of the respondents in trying to interfere with the petitioner's possession and attempting to dispossess the petitioner that too, without following procedure as contemplated under Law, is unsustainable and therefore, the petitioner is constrained to approach this Court seeking appropriate reliefs.

4. The learned Assistant Government Pleader for Land Acquisition while placing a copy of the written instructions dated 14.08.2023 received from the Deputy Executive Engineer(R&B), NH Sub-Division, Kakinada made her submissions. As seen from the said instructions, it would appear that some land acquisition proposals are made for the reconstruction of minor bridge at Km.24/8 of NH-

516E, under the Road Safety Annual Plan for the year 2022-23. Be that as it may. The relevant portion of instructions reads as follows:

".....It is submitted that land and structures would be acquired as per the LA Act 1956 and duly following all the statutory procedures only.

As on today neither the NH Department nor the Revenue department had forced the petitioner in any manner and if the property of the petitioner is required it will be done only after paying the required compensation only."

5. In the light of the above stated position, this Court is of the opinion that the Writ Petition need not be kept pending and accordingly, the same is disposed of, with a direction to the respondents to follow the due process of Law, in the event, they intend to utilize the subject matter land for the purpose of reconstruction of minor bridge or otherwise. There shall be no order as to costs. As a sequel, all pending applications shall stand closed.

JUSTICE NINALA JAYASURYA

Date: 14.08.2023
BLV

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