

HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.993 of 2023

Between:

Dr. Daggubati Venkateswara Rao,
S/o. Late Chenchu Ramaiah,
Aged about 70 years, Occ: Ex-MP,
R/o.Karamchedu Village and Mandal,
Bapatla District (Old Prakasam).

... Petitioner

And

1. The Government of India,
Ministry of Road and Transport,
Rep. by its Secretary, Transport Bhavan,
Sansad Marg, New Delhi – 110001 and 3 others.

... Respondents

Counsel for the petitioner : Mr. Naga Praveen
Vankayalapati

Counsel for respondents : Learned Government
Pleader for Land
Acquisition

ORDER:

This writ petition is filed seeking the following relief:

“to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 2 and 3 in not taking action on the petitioner’s objections dated 18.11.2022 filed as under Section 3(C) of National Highway Act is illegal, irregular, arbitrary violative of provisions of National Highways Act, 1956 and consequently direct the respondents 2 and 3 to consider and decide the petitioner’s objections dated 18.11.2022 filed

as under Section 3(C) of National Highways Act to the notification issued by the respondents as under Section 3(A) of National Highways Act..”.

2. The 3rd respondent issued notification under Section 3(A) of National Highway Act in ‘Andhra Prabha’ newspaper dated 11.11.2022. Petitioner’s land is shown in the notification. The purpose of acquisition is for the expansion and widening of vadarevu to nakerekal National Highway No.167A. Pursuant to the above notification, the petitioner submitted objections on 18.11.2022 to the 3rd respondent within 21 days as mandated.

3. The grievance of the petitioner is that without considering the objections, the authorities are proceeding further. According to the petitioner, the respondent authorities are erecting survey stone in his land. Hence, the writ petition.

4. Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

5. Learned Government Pleader would submit that the notification dated 11.11.2022 was issued under Section 3(A) of National Highway Act. The petitioner submitted explanation/objection on 18.11.2022. The Joint Collector , RB & R, Bapatla was appointed as CALA vide Gazette SO

4066(E) dated 30.08.2022. Section 3(C) is under process. The respondent authority will strictly follow the procedure under Sec 3(c) of the Act and thereafter issue declaration under Section 3(D), 3(G) etc.

6. In view of the instructions given by the Deputy Executive Engineer, (R & B) NH Sub Division, Guntur to the learned Government Pleader passed on to this Court, the Writ Petition is disposed of with a direction to the 3rd respondent to follow the procedure contemplated under Section 3(C) of Act and consider the objections of the petitioner by providing personal hearing. No order as to costs. It is needless to observe that without following the procedure under National Highways Act, the respondent authorities shall not dispossess the petitioner from his land.

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

JUSTICE SUBBA REDDY SATTI

Date : 12.01.2023
AG/PMK

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