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APHC010195642023



IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

[3327]

(Special Original Jurisdiction)

**TUESDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 10084/2023

Between:

Bumanapalli Ravindranath Reddy, and Others **...PETITIONER(S)**

AND

Union Of India and Others **...RESPONDENT(S)**

Counsel for the Petitioner(S):

1. O M R LAW FIRM

Counsel for the Respondent(S):

1. CHAUDHARY AND CHAUDHARY ADVOCATES AND
SOLICITORS LAW FIRM

2.

3. THE ADVOCATE GENERAL

WRIT PETITION NO: 14025/2023

Between:

G.ramakrishna Reddy, and Others

AND

Union Of India and Others

...PETITIONER(S)

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.O M R LAW FIRM

Counsel for the Respondent(S):

- 1.CHAUDHARY AND CHAUDHARY ADVOCATES AND SOLICITORS LAW FIRM
- 2.GP FOR ROADS BUILDINGS
- 3.GP FOR REVENUE
- 4.

WRIT PETITION NO: 14414/2023

Between:

Ambati Krishna Reddy and Others

AND

The Union Of India and Others

...PETITIONER(S)

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.N ASHWANI KUMAR

Counsel for the Respondent(S):

- 1.GP FOR ROADS BUILDINGS
- 2.CHAUDHARY AND CHAUDHARY ADVOCATES AND SOLICITORS LAW FIRM
- 3.GP FOR REVENUE
- 4.Y V ANIL KUMAR (Central Government Counsel)

THE HON'BLE SRI JUSTICE K.SREENIVASA REDDY
WRIT PETITION Nos.10084 of 2023, 14025 of 2023,
14414 of 2023 and 4510 of 2024

COMMON ORDER :

1. Since these Writ Petitions raise the same facts and the points involved in all the Writ Petitions are one and the same, at request of all the counsel, these Writ Petitions are being disposed of, by way of this common order.

2. Writ Petition Nos. 10084 of 2023, 14025 of 2023 and 14414 of 2023 are filed by owners of various lands seeking to declare the Notification issued under Section 3A of the National Highways Act, 1956 (Act 48 of 1956), published in Praja Sakthi daily newspaper dated 21.11.2022, and the declaration under Section 3D of the Act, 1956 published in Gazette Notification in S.O.1366 (E), dated 22.03.2023 issued by 1st respondent, insofar as the lands of the petitioners therein, as illegal and arbitrary.

3. Writ Petition No.4510 of 2024 is filed seeking to declare the Notification issued under Section 3A of the Act, 1956, published in Hans Daily newspaper dated 14.08.2023, and the declaration under Section 3D of the

Act, 1956 published in Gazette Notification in S.O.443(E), dated 02.02.2024 issued by 1st respondent, insofar as the lands of the petitioners therein viz. land in survey No.246/1B admeasuring an extent of 1.157 hectares and survey No.246/2B admeasuring 0.497 hectares, of Velpula village, Vemula mandal, YSR Kadapa district, as illegal and arbitrary.

4. The petitioners are aggrieved by the action of the respondents in proposing to acquire their lands for the purpose of formation of newly proposed road from KM 75.000 to KM 199.000 of proposed Bangalore-Mydukuru (Kadapa)-Amaravati/Vijayawada Green Field Corridor in the district of YSR Kadapa (for short, 'subject Green Field Corridor').

5. (a) It is the case of the petitioners in Writ Petition Nos. 10084 of 2023, 14025 of 2023 and 4510 of 2024 that on coming to know about the proposed acquisition of land, the petitioners submitted objections/representations before the Joint Collector concerned and in the office of the National Highways Authority. But, without conducting an

enquiry and without affording an opportunity of hearing on the objections, as contemplated under Section 3C of the Act, 1956, the competent authority seems to have sent a report to 1st respondent stating that objections were received and the same were considered and disallowed. On the basis of the said report, the declarations under Section 3D of the Act, 1956 were notified under the impugned Gazette Notifications.

(b) It is their further case that the subject lands belonging to the petitioners fall between double trumpet interchange and the proposed acquisition of the said lands is not for the purpose of formation of highway but it would be used for commercial activity in future, in which case the provisions of the Act, 1956 are not applicable, and hence, initiation of the proceedings under the provisions of the said Act is without jurisdiction.

(c) It is their further case that in the impugned Notifications issued by the authorities, only survey numbers and extents of land were mentioned, and no details with regard to names of owners of the land have

been mentioned. It is their further case that as per the provisions of the Act, 1956, after publication of the Notification under Section 3A of the Act, 1956, the affected persons have right to submit their objections, which have to be considered by giving opportunity of hearing as envisaged under Section 3C of the Act, 1956. But, in the absence of publication of names of the owners of the property, the very intent and purpose of issuance of the Notifications is lost.

(d) It is their further case that by publishing the Notifications in newspapers without sufficient circulation in the proposed area of acquisition of the property, the very purpose for which the Notification was published in newspapers, is lost.

(e) In view of non-adhering to the mandatory provisions under the Act, 1956, the entire proceedings initiated under the provisions of the Act, 1956 are vitiated. Hence, the Writ Petitions.

6. It is the case of the petitioners in Writ Petition No. 14414 of 2023 that they were not aware of the Gazette dated 22.3.2023 and they came to know about the proposal for acquisition only when they made an application for conversion of their land from agricultural purpose to non-agricultural purpose and when the same was rejected by the Revenue Divisional Officer, Jammalamadugu on the ground of issuance of the aforesaid Gazette; that in view of the same, they could not submit any objections; that the respondents failed to give a local paper publication in the locality where the subject land is being acquired and failed to provide opportunity of hearing to the petitioners therein as contemplated under Section 3C of the Act, 1956.

7. 2nd respondent-NHAI filed counter affidavits denying the material averments in the writ affidavits and stating *inter alia* as follows.

(a) For the subject Green Field Corridor, the Joint Collector, Kadapa was appointed under the provisions of the Act, 1956 as the Competent Authority-Land Acquisition (CALA), who initiated the proceedings for acquisition of

various lands required for the said project. The Central Government published Gazette Notification under Section 3A of the Act, 1956 vide S.O.No.5352(E), dated 16.11.2022 in respect of various lands declaring its intention to acquire the lands specified therein and also requiring the interested persons to raise any objections as per Section 3C of the Act, 1956 before the CALA within 21 days from the date of its publication. The Notification under Section 3A of the Act, 1956 was published in two daily news papers Praja Shakti and Hans India on 14.8.2023 insofar as the lands which are subject matter of Writ Petition No.4510 of 2024, and on 21.11.2022 insofar as the lands which are subject matter of other Writ Petitions. Objections under Section 3C of the Act, 1956 have to be submitted within 21 days from the date of publication of Section 3A Notification, but, as confirmed by the CALA, objections under Section 3C of the Act, 1956 were received after lapse/expiry of 21 days from the date of publication of Section 3A Notification and therefore the same are not to be considered as per law. Further, in their objections, the concern raised by the

petitioners is only in relation to rate of compensation for the acquisition of the lands, whereby they sought open market value rate for the lands acquired, and no objection has been raised with regard to the validity of Section 3A Notification and to the proposed land acquisition thereunder.

(b) NHAI has proposed, and is acquiring, the minimum required lands for the purpose of subject Green Field Corridor and the lands acquired will be used only for the purpose of the said project.

(c) Gazette Notification under Section 3D of the Act, 1956 was published vide S.O.No.1366 (E), dated 22.03.2023 thereby declaring that the lands so described and mentioned in the said Notification were acquired and vested in Central Government, free from all kinds of encumbrances as per Section 3D (2) of the Act, 1956 and the same cannot be called in question in any Court or before any authority as per Section 3D (4) of the Act, 1956. In the said Notification under Section 3D of the Act, 1956, further details of the notified lands under acquisition viz.

survey numbers, type of lands, nature of land, extent of area and name of owners as per revenue records, are provided, and in view of *status quo* order dated 10.05.2023 passed by this Court, further proceedings in the land acquisition including paper publication of Public Notice under Section 3G (3) of the Act, 1956 and passing of the CALA's Award for compensation under Section 3G(1) of the Act, 1956 are kept pending.

(d) It is further stated that by virtue of the definition of 'highways' under the provisions of the Control of National Highways (Land & Traffic) Act, 2002, the lands that are between double trumpet interchange are part of the highway and their acquisition is also an acquisition for the purpose of formation of National Highway. The project is a fully Access Controlled Highway and the interchanges were proposed to facilitate entry/exit of the vehicular traffic to/from the proposed Green Field Corridor from/to the existing road network, and are developed keeping in view road user safety. The inside areas of these interchanges are also being acquired to facilitate the development of the

National Highway. Acquisition of the subject lands is being done for the purpose of formation of National Highway in public interest and not for the purpose of establishment of commercial activities in future.

(e) As regards environmental clearance, as per the Guidelines of the EIA Notification 2006 for new Green Field Highways in line with Section 3 of the Environment (Protection) Act, 1986 read with Rule 5 of the Environment (Protection) Rules, 1986, environmental clearances have to be obtained before actual construction or building work for any such projects. In the case on hand, the Ministry of Environment, Forest and Climate Change issued environmental clearance on 02.02.2024 to various projects which is prior to actual civil constructions works being started for the subject NH projects and the current subject land acquisition is a part of these mentioned Highway projects.

(f) In case the petitioners are not satisfied with the amount of compensation determined by the CALA, they are at liberty to file an application before the Arbitrator, as

appointed by the Central Government under the provisions of the Act, 1956, and the District Collector is appointed as Arbitrator under Section 3 G (5) of the Act, 1956.

(g) The Hon'ble Apex Court in various decisions held that the Courts should refrain from interfering or granting interim stays on the projects of national importance, and that the Courts should be reluctant in interfering with the contracts involving technical issues. There are no *bona fides* in the present Writ Petitions. Hence, it is prayed to dismiss the Writ Petitions.

8. The Competent Authority (LA) and Joint Collector, Kadapa filed counter affidavits denying the material averments in the writ affidavits and stating *inter alia* that the Government of India gave orders for formation of the subject Green Field Express Highway from 75.000 KM to 199.00 KM from Kanampalli of Pulivendula to Kavalakuntla of Porumamilla mandal, and the road covers in 12 mandals and 49 revenue villages with a distance of 124 KM in YSR Kadapa district. Pursuant to the same, as per the procedure, Notifications under Sections 3A, 3D and

3G of the Act, 1956 were published and Awards were also passed in respect of the all 49 villages. Publication of the Notifications in local newspapers is within the control of 2nd respondent. In the Notification under Section 3A of the Act, 1956, only survey numbers, extent and classification of the land are mentioned and name of the land owners are not mentioned as per the procedure prescribed under the Act, 1956. Section 3A (2) of the Act, 1956 states that every Notification under sub-section (1) shall give a brief description of the land. Notification under Section 3G of the Act, 1956 was published with the details of the enjoyers and assets situated on the lands, in the local newspapers and Awards are also passed for all the villages, except Velpula village in view of the Order of this Court in I.A.No.1 of 2023 in W.P.No.10084 of 2023. The subject lands are acquired for the purpose of construction and expansion of National Highway. No objections have been received within the stipulated time of 21 days as per Section 3 C (1) of the Act, 1956.

2nd respondent is responsible for publication of Notification under Section 3A of the Act, 1956 in newspapers, and the same has been published as per the provisions in force. Thereafter, publication under Section 3D of the Act, 1956 was also made in the notified area i.e. in the offices of the local Tahsildar, the MPDO, police stations and Grama Sachivalayam, and the same was published in two daily newspapers, informing the interested persons to attend Section 3G Award enquiry, mentioning the date, venue and time. This respondent followed the procedure pursuant to the requisition given by the NHAI authorities as per the interest and intention of the Government. The Writ Petitions are devoid of merits and are liable to be dismissed.

9. Heard Sri O.Manohar Reddy, learned senior counsel appearing for the learned counsel for the petitioners in Writ Petition Nos. 10084 of 2023, 14025 of 2023 and 4510 of 2024; Sri N.Ashwani Kumar, learned counsel for the petitioners in Writ Petition No.14414 of 2023; Sri P.Veera Reddy, learned senior counsel appearing

for the learned counsel for NHAI and the learned Government Pleader for Land Acquisition for respondents 4 and 5. Perused the record.

10. The petitioners in Writ Petition Nos. 10084 of 2023 and 4510 of 2024 are owners of various extents of lands situated in Velpula village, Vemula mandal, YSR Kadapa district, whereas the petitioners in Writ Petition No.14025 of 2023 are owners of various extents of lands situated in Pitchapadu village, Chapadu mandal, YSR Kadapa district and the petitioners in Writ Petition No.14414 of 2023 are owners of various extents of lands situated in Tippaluru village, Yerraguntla mandal, YSR Kadapa district.

11. For the purpose of acquisition of lands for formation of the subject Green Field Corridor, the impugned Notifications were issued under Section 3A of the Act, 1956 in newspapers and the impugned declarations under Section 3D of the Act, 1956 were published in Gazette, whereunder the respective lands belonging to the

petitioners herein were sought to be acquired by the respondent-authorities.

12. Sri O.Manohar Reddy, learned senior counsel firstly contended that under Section 3A (3) of the Act, 1956, the competent authority shall cause substance of the Notification to be published in two local newspapers, one of which will be in a vernacular language, and the purpose of the said publication in newspapers is with a view that the persons in the locality would be aware of the proposed acquisition of the property. He submits that in the case on hand, the Notifications were got published in Tirupati Telugu Edition of Praja Shakti daily dated 21.11.2022 and Hans India daily English newspaper dated 21.11.2022, and as per the information submitted by owners of the press, circulation of Praja Sakthi Daily is 25,784 and Hans India daily is 4,317; that by virtue of the publication of the Notifications in the said newspapers, the purpose of publication that the persons in the locality would be aware of the proposed acquisition of the property, is lost.

13. It is the contention of Sri N.Ashwani Kumar, learned counsel for the petitioners in Writ Petition No.14414 of 2023 that the petitioners in the said Writ Petition were not aware of the issuance of the Notification under Section 3A(1) of the Act, 1956, and they came to know about the proposal for acquisition only when the application made by the petitioners therein for conversion of their land from agricultural purpose to non-agricultural purpose, was rejected by the Revenue Divisional Officer, Jammalamadugu on the ground of issuance of the aforesaid Gazette. He submits that in view of the same, the petitioners therein could not submit any objections and the respondents did not provide opportunity of hearing to the petitioners therein as contemplated under Section 3C of the Act, 1956.

14. Learned senior counsel appearing for the petitioners relied on the following decisions.

(i) in *Kolla Sambasiva Rao v. Union of India & others*,¹ wherein it is held thus: (paragraphs 57 and 69)

¹ 2024 SCC OnLine AP 5603

“57. So far as the submissions on the violation of the principles of natural justice in deciding the objections are concerned, Section 3-C of the NH Act provides for hearing the objections. In *Marella Marithi Prasada Rao case*⁵, this Court held that Section 3-C deals with hearing of objections. Under sub-section (1) thereof, any person interested in the land may, within 21 days from the date of publication of the notification under sub-section (1) of Section 3-A, object to the use of the land for the purpose or purposes mentioned in that sub-section. Section 3-C(2) of the NH Act stipulates that every objection, under Section 3-C(1), shall be made to the competent authority in writing and shall set out the grounds thereof, and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, by order, either allow or disallow the objections. The right to submit objections is conferred on a person interested in the land i.e. the person whose lands are sought to be acquired. The person interested in the land has not only the right to submit his written objections, but also the right to an oral hearing, either in person or through a legal practitioner and during hearing of the objections, under Section 3-C(1) of the Act, the person, whose lands are sought

to be acquired, would be entitled to put forth all such contentions as are available in law.

...

69. The proposition of law is well-settled that opportunity of hearing as mandated by Section 3-C of the NH Act is to be provided and the same is not ritual or empty formality. That is a valuable right and such opportunity is to be provided in consonance with the principles of natural justice.”

(ii) in *Bhimavarapu Giridhar Kumar Reddy v. Union Government of India & others*², wherein it is held thus: (paragraphs 14 and 15).

“14. In the case on hand, violation of the mandatory provisions of Section 3 – C(2) by the 4th respondent, in failing to provide an opportunity of hearing to the petitioner (despite the mandate of Section 3 – C(2) and the specific request of the petitioner in this behalf vide his memorandum of objections dated 27.11.2008 and 04.01.2010), is established. On account of this illegality, all the proceedings subsequent to the stage under Section 3 – C(1) are void and inoperative and the fact of publication of a declaration under Section 3 – D(1) would not cure that fatal infirmity.

² 2012 (6) ALD 58 (DB)

15. Affording of opportunity to persons whose lands are proposed for acquisition under the 1956 Act, mandated by Section 3 – C(1) is neither a ritual nor an empty formality. It is a salutary provision akin to the provisions of Section 5 – A of the Land Acquisition Act, 1894. In *Union of India v. Mukesh Hans*[1]; *Union of India v. Krishan Lal Arneja*[2]; *Mahender Pal and ors. v. State of Haryana and ors.*[3]; *Anand Singh v. State of U.P.*[4]; *Radhy Shyam v. State of U.P.*[5]; and in *Greater Noida Industrial Development Authority v. Devendra Kumar and others*[6], the Supreme Court observed that the opportunity of hearing to the land owners to object to acquisition of their lands is a valuable right which cannot be jettisoned for jejune reasons and that such opportunity and compliance with rules of natural justice is a small price which the State should always be prepared to pay before it can deprive any person of his property. These observations of the apex court made in the context of the Land Acquisition Act apply to the present acquisition *a fortiori*.”

15. On the other hand, it is submitted by the learned senior counsel Sri P.Veera Reddy appearing for the learned Standing Counsel for NHAI, so also the learned Government Pleader for Land Acquisition, that the

requirements of law as mandated under the provisions of the Act, 1956 have been complied with, by the respondents, by issuing Section 3A (1) Notification in two local newspapers, one of which in vernacular language; that there is no requirement under the Statute to mention names of land owners in the said Notification, and that the description of the land as notified in the Notification would meet the requirement of law; that no objections were received within the time stipulated under Section 3C of the Act, 1956, and the objections, if any, made thereafter are with regard to rate of compensation. Hence, he prays to dismiss the Writ Petitions.

16. Section 3A of the Act, 1956 deals with the power of Central Government to acquire land, etc. According to the Section 3A (1), where the Central Government is satisfied that for a public purpose, any land is required for the building, maintenance, management or operation of a national highway or part thereof, it may, by notification in Official Gazette, declare its intention to acquire such land. As per Section 3A (2) of the Act, 1956, every Notification

under sub-section (1) shall give a brief description of the land and Section 3A (3) contemplates that the competent authority shall cause the substance of the notification to be published in two local newspapers, one of which will be in a vernacular language.

17. The scheme of acquisition enshrined in the Act, 1956 makes it clear that when once the Central Government is satisfied that any land is required for the building, maintenance, management or operation of a national highway or part thereof, then, it shall declare its intention to acquire such land by issuing a notification in the Official Gazette giving 'brief description' of the land. The substance of the Notification is also to be published in two local newspapers of which one has to be in a vernacular language. 'Any person interested in the land' can file objections within 21 days from the date of publication of the Notification in the Official Gazette, to the competent authority, in writing. Thereafter, the competent authority is required to give the objector an opportunity of hearing either in person or through a legal practitioner.

The said exercise is to be followed by an Order of the competent authority either allowing or rejecting the objections. In case no objection is made to the competent authority in terms of Section 3C (1) or in case the objections made are disallowed, then the competent authority has to submit a report to the Central Government, which shall then issue a Notification in the Official Gazette that the land should be acquired for the purpose or purposes mentioned in Section 3A (1) Notification. On publication of declaration under Section 3D (1), the land vests absolutely in the Central Government free from all encumbrances.

18. In the case on hand, the Joint Collector, Kadapa is appointed as the Competent Authority for Land Acquisition, under the provisions of the Act, 1956. The Central Government published Gazette Notification under Section 3A (1) of the Act, 1956 vide S.O.No.5352(E), dated 16.11.2022 in respect of various lands declaring its intention to acquire the lands specified therein and also requiring the interested persons to raise any objections as per Section 3C of the Act, 1956 before the CALA within 21

days from the date of its publication. The substance of the Notification under Section 3A (1) of the Act, 1956 was published in two daily newspapers Praja Shakti and Hans India on 14.8.2023 insofar as the lands which are subject matter of Writ Petition No.4510 of 2024, and on 21.11.2022 insofar as the lands which are subject matter of other Writ Petitions.

19. On this aspect, it is the contention of the learned senior counsel appearing for the petitioners in Writ Petition Nos. 10084 of 2023, 14025 of 2023 and 4510 of 2024 that the circulation of said daily newspapers is very low and the petitioners could not get knowledge about the intention of the Government to acquire their lands. It is the contention of learned counsel for the petitioners in Writ Petition No.14414 of 2023 that the petitioners in the said Writ Petition came to know about the proposal for acquisition only when the application made by the petitioners therein for conversion of their land from agricultural purpose to non-agricultural purpose, was rejected by the Revenue Divisional Officer, Jammalamadugu on the ground of

issuance of the aforesaid Gazette. It is their contention that the Notification under Section 3A (1) of the Act, 1956 does not contain names of the owners, except mentioning the details of the lands proposed to be acquired. He submits that in view of the same, the petitioners could not submit effective objections under Section 3C (1) of the Act, 1956 within the stipulated in the said Notification and hence, the very object of publishing the Notification is lost, and as the due procedure contemplated under the provisions of the Act, 1956 is not followed, the entire acquisition process is vitiated.

20. On a plain reading of the aforesaid provision goes to show that it does not contemplate that the Notification has to be published in widely circulated newspapers. The provision speaks to the extent of publishing in two local newspapers, one of which will be in a vernacular language. Except that, nowhere in the provision, it is stated that circulation of the paper should be wide enough. It is pertinent to note here that the stipulation of publication of the Notification in the

vernacular language is essentially for the reason that the villagers would be aware of the proposal of the Government to acquire their lands. In the case on hand, the said requirement of law has been complied with, by the respondent-authorities by publishing the substance of the Notification in the aforesaid daily newspapers viz. Praja Shakti and Hans India. In view of the fact that requirement of law has been complied with, by the respondents-authorities, and there is no statutory infraction rendering the impugned Notification invalid, the contention of the learned counsel appearing for the petitioners that the said newspapers have no wide circulation, so also the contention of the learned counsel for the petitioners in Writ Petition No.14414 of 2023 that the petitioners therein were not aware of the issuance of the Notification under Section 3A (1) of the Act, 1956, is not sustainable.

21. As regards the contention with regard to non-disclosure of names of land owners in the Notification issued under Section 3A (1) of the Act, 1956, Section 3A (2)

of the Act, 1956 contemplates that every Notification under sub-section (1) of Section 3A shall give a 'brief description' of the land proposed to be acquired. The provisions of the Act, 1956 do not contemplate that names of the land owners whose lands are proposed to be acquired, have to be mentioned in the Notification under Section 3A (1) of the Act, 1956. The National Highways Act, 1956 is a comprehensive Code by itself and it is a special legislation enacted by the Parliament for acquisition of land required for the building, maintenance, management or operation of a National Highway or part thereof. Unlike the provisions in other enactments relating to land acquisition, there appears to be a conscious departure insofar as this Act is concerned, from notifying all particulars of land in detail mentioning name of the land owner, etc.

22. The Hon'ble Apex Court in *State of Karnataka v. Narasimha Murthy & others*, while dealing with a case of Notification under Section 3 (1) of the Karnataka Acquisition of Land for Grant of House Sites Act, 1972, held

that omission to mention name of the land owner in the Notification does not vitiate the same.

23. A Division Bench of the erstwhile common High Court in *Government of India v. M.Ramesh Babu & others*³, while dealing with similar contentions, set aside the Order of the learned single Judge quashing the Notification. The preliminary Notification challenged in the said case, contained not only name of the village, survey number/division number, type of the land, area sought to be acquired, but also referred in clear terms that the interested persons can inspect the land plans and other details of the land covered by the Notification. The Division Bench held that it not only contained the description of the land proposed to be acquired, but also mentioned that the land plans and other details of the land covered by the Notification are available in the office of the competent authority and the interested persons can inspect the same, and accordingly allowed the Writ Appeal, setting aside the Order passed by the learned single Judge quashing the Notification, and accordingly dismissed the Writ Petition,

³ Judgment dated 19.09.2007 in W.A.No.504 of 2007

holding that if there was any ambiguity in the particulars incorporated in the Notification, the writ petitioners therein could have approached the competent authority and inspected the land plans and other details and then filed their objections, but such a course was not adopted.

24. Another Division Bench of the erstwhile common High Court in *Dano Vaccines & Biological (P) Limited, Hyderabad v. Government of India*⁴, while dealing with the similar contentions that the preliminary notification issued under Section 3A (1) of the Act, 1956 did not divulge full description of the lands to be acquired and fell foul of the requirement of Section 3A (2) of the Act, 1956, rejected the same by referring to judgment in *Government of India v. M.Ramesh Babu & others* (1 supra).

25. In a decision rendered by a learned single Judge of this Court in Writ Petition No.1924 of 2021, dated 31.3.2021, it is held thus: (paragraph 12)

“Applying the above analogy and in the light of the judicial pronouncements referred to, *supra*, this Court is of the considered view that non-mentioning of the

⁴ 2012 (2) ALD 387 (DB)

name of the land owner or particulars of petroleum outlet, etc., in the impugned notification, would not amount to violation of provisions of the Act, nor vitiate the notification, and the consequential declaration.”

Therefore, in view of the aforesaid discussion, it can be held that non-mention of names of land owners in the Notification under Section 3A (1) of the Act, 1956 does not vitiate the proceedings and there is no statutory infraction to render the subject Notification invalid.

26. Learned senior counsel appearing for the petitioners, by placing reliance on Section 3C of the Act, 1956, vehemently contended that within 21 days from the date of publication of the Notification under Section 3A (1) of the Act, 1956, ‘any person interested in the land’ may object to the use of the land for the purpose or purposes mentioned in that sub-section, and that such objection shall be made to the competent authority, in writing, and it shall ‘set out’ the grounds thereof, and thereafter, the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and after making further enquiry, allow or disallow the

objections. Placing reliance on the said provision, he contended that the aforesaid provision is mandatory and in the absence of an opportunity of being heard and in the absence of compliance thereof, the Notification issued by the respondents would be invalid. He relied on a decision in *Kolkata Municipal Corporation & another v. Bimal Kumar Shah & others*,⁵ wherein it is held thus: (paragraphs 29 and 30)

“29. The constitutional discourse on compulsory acquisitions, has hitherto, rooted itself within the “power of eminent domain”. Even within that articulation, the twin conditions of the acquisition being for a public purpose and subjecting the divestiture to the payment of compensation in lieu of acquisition were mandated [*State of Bihar v. Kameshwar Singh*, (1952) 1 SCC 528] . Although not explicitly contained in Article 300-A, these twin requirements have been read in and inferred as necessary conditions for compulsory deprivation to afford protection to the individuals who are being divested of property [*Hindustan Petroleum Corpn. Ltd. v. Darius Shapur Chenai*, (2005) 7 SCC 627; *K.T. Plantation (P) Ltd. v. State of Karnataka*, (2011) 9 SCC 1 : (2011) 4 SCC (Civ) 414] . A post-colonial

⁵ (2024) 10 SCC 533

reading of the Constitution cannot limit itself to these components alone. The binary reading of the constitutional right to property must give way to more meaningful renditions, where the larger right to property is seen as comprising intersecting sub-rights, each with a distinct character but interconnected to constitute the whole. These sub-rights weave themselves into each other, and as a consequence, State action or the legislation that results in the deprivation of private property must be measured against this constitutional net as a whole, and not just one or many of its strands.

30. What then are these sub-rights or strands of this swadeshi constitutional fabric constituting the right to property? Seven such sub-rights can be identified, albeit non-exhaustive. These are:

- (i) The duty of the State to inform the person that it intends to acquire his property — *the right to notice*,
- (ii) The duty of the State to hear objections to the acquisition — *the right to be heard*,
- (iii) The duty of the State to inform the person of its decision to acquire — *the right to a reasoned decision*,
- (vi) The duty of the State to demonstrate that the acquisition is for public purpose — *the duty to acquire only for public purpose*,

- (v) The duty of the State to restitute and rehabilitate — *the right of restitution or fair compensation,*
- (vi) The duty of the State to conduct the process of acquisition efficiently and within prescribed timelines of the proceedings — *the right to an efficient and expeditious process,* and
- (vii) The final conclusion of the proceedings leading to vesting — *the right of conclusion.”*

27. On the other hand, learned senior counsel Sri P.Veera Reddy appearing for NHAI contended that every objection shall be made to the competent authority, in writing, and shall set out grounds. He emphasized on the term ‘shall set out grounds’. He has taken this Court to the objections raised by the petitioners. This Court perused the objections. All the objections that have been raised are with regard to the rate of compensation that has to be paid to the petitioners herein. No other grounds have been set out in the objections. In respect of the said objection relating to compensation, the competent authority is not the person who has to decide with regard to compensation. Further more, according to the respondent-Competent Authority, objections under Section 3C of the

Act, 1956 were received after lapse/expiry of 21 days from the date of publication of Section 3A Notification, and that in their objections, the concern raised by the petitioners is only in relation to rate of compensation for the acquisition of the lands, whereby they sought open market value rate for the lands acquired, and no objection has been raised with regard to the validity of Section 3A Notification and to the land acquisition thereunder. Therefore, in view of the aforesaid discussion, the contention of the learned senior counsel for the petitioners with regard to non-consideration of the objections, is not tenable.

28. The next contention argued by the learned senior counsel appearing for the petitioners is that the provisions of the Act, 1956 would apply only if the land is sought to be acquired for formation of a National Highway, but, in the case on hand, land belonging to the petitioners is not required for the purpose of formation of highway, but it is the land between two interchange double trumpets, and that the petitioners apprehend that the said land would be used for commercial activity in future.

29. On the other hand, the learned senior counsel appearing for NHAI submits that the lands of the petitioners are sought to be acquired only for the purpose of formation of National Highway, but not for carrying on commercial activity. He further submits that the contention that even if the lands of the petitioners are between the double trumpet inter-change is assumed to be true, then also they form part of Highway. Placing reliance on the definition of 'highway' in the Control of National Highways (Land & Traffic) Act, 2002, the learned senior counsel submits that the term 'highway' includes the lands that are between the double trumpet interchange, which is a part of highway, and acquisition of land for the said purpose would also come for the purpose of National Highway.

30. On this aspect, it is pertinent to refer to the definition of 'highways' under the provisions of the Control of National Highways (Land & Traffic) Act, 2002, which reads thus:

“Section 2 (e) : Highway means a National Highway declared as such under section 2 of the National Highways Act, 1956 (48 of 1956) and includes any Expressway or Express Highway vested in the Central Government, whether surfaced or unsurfaced, and also includes-

- (i) all lands appurtenant to the Highway, whether demarcated or not, acquired for the purpose of the Highway or transferred for such purpose by the State Government to the Central Government;
- (ii) all bridges, culverts, tunnels, causeways, carriageways and other structures constructed on or across such Highway; and
- (iii) all trees, railings, fences, posts, paths, signs, signals, kilometre stones and other Highway accessories and materials on such Highway.”

There cannot be any dispute that once the land is not utilized for the purpose of a highway, the provisions of the Act, 1956 would not apply and the entire proceedings initiated are without jurisdiction. By virtue of the aforesaid definition, ‘highway’ includes all the lands appurtenant to the highway, whether demarcated or not, and when once the lands are acquired for the said purpose, it is deemed to be used for the purpose of highway only. The entire plan would be given by the Central Government. Admittedly, the

entire project corridor is fully Access-Controlled Highway and the double interchanges are proposed to facilitate entry/exit of the vehicular traffic to/from the proposed subject Green Field Corridor from/to the existing road network. It is also evident that interchanges are designed as per the codal provisions and existing field conditions and are developed as Access Controlled keeping in view of the road-user safety. It is categorically asserted in the counter affidavit filed by 4th respondent-NHAI that the inside areas of these interchanges is also being acquired to facilitate the development of the National Highway. Therefore, the apprehension of the petitioners that the subject lands are being acquired for the purpose of establishment of commercial activities in future, appears to be misconceived and is not tenable.

31. The subject Green Field Express Highway from 75.000 KM to 199.00 KM from Kanampalli of Pulivendula to Kavalakuntla of Porumamilla mandal, covers in 12 mandals and 49 revenue villages with a distance of 124 KM in YSR Kadapa district. It is settled principle that in cases of

acquisition of large parcels of land, the objections of a minority of land holders, even if well founded, can be ignored if the majority of the land holders accept the acquisition proceedings. The ratio behind this principle is that where a large extent of land is being acquired for execution of a comprehensive project and the majority of the land holders accept the scheme, it would not be permissible to stall the entire scheme for the sake of a few land holders. This is because the entire land is needed to implement the object of the acquisition and deletion of a small part of the land would render the scheme unimplementable. Such a course of action should not be taken, even if the objections of the minority of the land holders are tenable and well founded. In the case on hand, barring the petitioners herein, there is absolutely no objection from any quarter.

32. As regards the scope of judicial review in such matters involving land acquisition for public purposes, in

*Union of India v. Kushala Shetty & others*⁶, the Hon'ble Supreme Court held thus: (paragraph 28)

“Here, it will be apposite to mention that NHAI is a professionally managed statutory body having expertise in the field of development and maintenance of national highways. The projects involving construction of new highways and widening and development of the existing highways, which are vital for the development of infrastructure in the country, are entrusted to experts in the field of highways. It comprises of persons having vast knowledge and expertise in the field of highway development and maintenance. NHAI prepares and implements projects relating to development and maintenance of national highways after thorough study by experts in different fields. Detailed project reports are prepared keeping in view the relative factors including intensity of heavy vehicular traffic and larger public interest. The courts are not at all equipped to decide upon the viability and feasibility of the particular project and whether the particular alignment would subserve the larger public interest. In such matters, the scope of judicial review is very limited. The court can nullify the acquisition of land and, in the rarest of rare cases, the particular project, if it is found to be *ex facie* contrary to the mandate of law or tainted due to *mala fides*. In the case in hand, neither has any violation of mandate of

⁶ (2011) 12 SCC 69

the 1956 Act been established nor has the charge of malice in fact been proved. Therefore, the order under challenge cannot be sustained.”

33. It is also pertinent to refer to a decision of the Hon’ble Apex Court in *Mazdoor Kisa Shakti Sangathan v. Union of India & others*⁷, wherein it is held thus:

“In the aforesaid context, it would be pertinent to point out that there may be situations where conflict may arise between two fundamental rights. Situation can be conflict on inter-fundamental rights, intra-fundamental rights, and in certain peculiar circumstances, in respect of some person, one fundamental right enjoyed by him may come in conflict with the other fundamental right guaranteed to him. In all such situations, the Court has to examine as to where lies the larger public interest while balancing the two conflicting rights. It is the paramount collective interest which would ultimately prevail.”

It is settled proposition of law that collective interest of the public at large prevails over the rights/interest of some private individuals, and the Courts, in the ordinary course, cannot interfere with regard to road alignments in

⁷ (2018) 17 SCC 324

National Highways, and also technical nitty-gritties which is the exclusive domain of technical experts.

34. In view of the foregoing discussion, this Court does not find any merits in the present Writ Petitions. The Writ Petitions are, accordingly, dismissed. There shall be no order as to costs of the Writ Petitions.

Miscellaneous petitions pending, if any, in the Writ Petitions shall stand closed.

(JUSTICE K.SREENIVASA REDDY)

DRK
24.2.2026

THE HON'BLE SRI JUSTICE K.SREENIVASA REDDY

COMMON ORDER
IN
WRIT PETITION Nos.10084 of 2023, 14025 of 2023,
14414 of 2023 and 4510 of 2024

24.2.2026

DRK