

HIGH COURT OF ANDHRA PRADESH

*** * * ***

MOTOR ACCIDENT CIVIL MISCELLANEOUS

WRIT APPEAL Nos:849 & 850 OF 2026

DATE OF JUDGMENT PRONOUNCED: 30.07.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

&

THE HON'BLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

- 1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgments?**
- 2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals**
- 3. Whether Your Lordships wish to see the Yes/No
fair copy of the Judgment?**

RAVI NATH TILHARI, J

PURUSHOTTAM KUMAR CHINTALAPUDI, J

Date of reserved for orders :21.07.2026

Date of pronouncement :30.07.2026

Date of uploading : 30.07.2026

APHC010359262026



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

[3601]

THURSDAY, THE 30th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

WRIT APPEAL NO: 849/2026

Writ Appeal under clause 15 of the Letters Patent to set aside the Impugned order dated 03.07.2026 passed in W.P.No.17814 of 2026 and pass

Between:

1.CHODISETTY NIRMALATHA, W/O. CN. MANMADHA RAO, R/O. 39M7-10/2, SIVANANDA STREET, LABBIPET, VIJAYAWADA, KRISHNA (-NTR) DISTRICT, ANDHRA PRADESH - 520010.

...APPELLANT

AND

1.THE STATE OF ANDHRA PRADESH, REPL BY ITS SPECIAL CHIEF SECRETARY, REVENUE (LAND ACQUISITION) DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT-522237

2.THE STATE OF ANDHRA PRADESH, REPF BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (MA AND UD) DEPARTMENT A.P. SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT-522237

- 3.A P CAPITAL REGION DEVELOPMENT AUTHORITY A P C R D A, REPI
BY ITS COMMISSIONER, RAYAPUDI VILAGE, THULLUR MANDAL,
GUNTUR DISTRICT, ANDHRA PRADESH-522237
- 4.DISTRICT COLLECTOR, GUNTUR, GUNTUR DISTRICT, ANDHRA
PRADESH- 522004
- 5.SPECIAL DEPUTY COLLECTOR /THE COMPETENT LAND
ACQUISITION OFFICER LAO, UNIT NO. 9, PENUMAKA VILLAGE,
TADEPALLI MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH-
522237
- 6.JOINT COLLECTOR, / PROJECT ADMINSTRATOR. GUNTUR, GUNTUR
DISTRICT, ANDHRA PRADESH-522004

...RESPONDENT(S):

WRIT APPEAL NO: 850/2026

Writ Appeal under clause 15 of the Letters Patent to set aside the
Impugned order dated 03.07.2026 passed in W.P.No.17813 of 2026 and pass

Between:

- 1.GADE HANUMANTHA RAO NAIDU, S/O. G. BALA RAMAMURTHY, R/O.
A5-101, FLORIDA ESTATE, KESAV NAGAR,MAHARASTRA -411036.
- 2.DANDAMUDI SAMBA SIVA RAO, S/O. FRAMASWAMY, 3-658/1,
UNDAVALLI, UNDAVALLI (RURAL), GUNTUR DISTRICT, ANDHRA
PRADESH, 522501.
- 3.GURRALA BALA MANI SESA GOPAL, S/O. G. YEDUKONDALA RAO,
2-193, MAIN ROAD, NEAR SIVALAYAM TEMPLE, UNDDVALLI,
UNDAVALLI (RURAL), GUNTUR DISTRICT, ANDHRA PRADESH,
522501.
- 4.GURRALA SAI CHITTI BABU, S/O. SRINIVASA RAO, 2-194/2,
UNDAVALLI, UNDAVALLI (RURAL), GUNTUR DISTRICT, ANDHRA
PRADESH, 522501
- 5.SINGAMSETTI ANUPAMA, W/O. VENKATESWARA RAO, 1-85,
UNDAVALLI. UNDAVALLI (RURAL), GUNTUR DISTRICT, ANDHRA

PRADESH, 522501.

6. POLISETTY SAMBASIVA RAO, S/O. YEERAAIAH, 1-101, UNDAVALLI, UNDAVALLI (RURAL), GUNTUR DISTRICT, ANDHRA PRADESH, 522501.

7. MEKAVIJAY KUMAR, S/O. PHARMAREDDY, 3-70, PENUMAKA, GUNTUR DISTRICT, ANDHRA PRADESH, 522501.

...APPELLANT(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS SPECIAL CHIEF SECRETARY, REVENUE (LAND ACQUISITION) DEPARTMENT A.R SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT-522237

2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (MA AND UD) DEPARTMENT A.R SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT-522237

3. A R CAPITAL REGION DEVELOPMENT AUTHORITY A P C R D A, REP. BY ITS COMMISSIONER, RAYAPUDI VILAGE, THULLUR MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH-522237

4. DISTRICT COLLECTOR/APPROPRIATE AUTHORITY, GUNTUR, GUNTUR DISTRICT, ANDHRA PRADESH-522004

5. SPECIAL DEPUTY COLLECTOR THE COMPETENT LAND ACQUISITION OFFICER LAO, UNIT NO. 8, UNDAVALLI VILLAGE, TADEPALLI MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH-522237

6. JOINT COLLECTOR, PROJECT ADMINISTRATOR, GUNTUR, GUNTUR DISTRICT, ANDHRA PRADESH-522004

...RESPONDENT(S):

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
&
THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI
WRIT APPEAL Nos.849 and 850 of 2026

COMMON JUDGEMENT: (per Hon'ble Sri Justice Ravi Nath Tilhari)

These two Writ Appeal Nos.849 and 850 of 2026 are preferred against the orders of the learned Single Judge in W.P.Nos.17814 and 17813 of 2026, dated 03.07.2026 respectively. The Writ Appellants are the Writ Petitioners before the learned Single Judge. Respondent Nos.1 to 5 are the Official Respondents.

2. We shall deal with W.A.No.849 of 2026 first which arises out of W.P.No.17814 of 2026.

3. The writ petition was originally filed seeking the following relief:

“...it is therefore prayed that this Hon'ble Court may be pleased to grant a direction or writ more particularly in the nature of Writ of MANDAMUS declaring

- i) the preliminary notification dated 08.01.2026 under Section 11 of LA&RR Act, 2013, in relation to land of the Petitioner herein situated in Penumaka village,
- ii) the order of the Respondent No.4 vide proceedings C.No.01/2026-CRDA(Admn)-Penumaka dated 01.06.2026, rejecting the preliminary objections filed by the Petitioner herein;
- iii) the Notification vide Form-VII declaration Rc. No.01/2026-CRDA(Admn.) dated 08.06.2026 under Section 19 of Act 30 of 2013 and
- iv) the Award enquiry notice dated 12.06.2026 under Section 21 of Act 30 of 2013,

as illegal, arbitrary, unreasonable and violative of the Petitioners' rights under Article 14, 19, and 300A of the Constitution of India

and contrary to the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and its rules and to consequently

- v) set aside the preliminary notification dated 08.01.2026 under Section 11 of LA&RR Act, 2013; the order of the Respondent No.4 vide proceedings C.No.01/2026-CRDA(Admn)-Penumaka dated 01.06.2026; the Notification dated 08.06.2026 under Section 19 of Act 30 of 2013 vide Form-VII declaration Rc. No.01/2026-CRDA(Admn.) and the Award enquiry notice dated 12.06.2026 under Section 21 of Act 30 of 2013

and pass such other order or orders as this Hon'ble court may deem fit and proper in the facts and circumstances of the case in the interest of justice.”

The brief facts are as follows:

4. The State Government issued a preliminary notification dated 08.01.2026 under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("the Act") for lands at Undavalli Village, Tadepalli Mandal, Guntur District. Respondents have invited preliminary objections, and Respondent No.5 received objections from, among others, the writ appellants. After considering these objections, Respondent No.5 rejected them and issued a notification under Section 19(1) of the Act, followed by an award enquiry notice on 12.06.2026. The writ appellants have challenged both the preliminary notification and the Section 19(1) notification, alleging that the respondents have not issued the notifications in accordance with the Act. They contend that Respondent No.5 did not follow the mandatory procedures under Sections 11, 16, 17, and 18 before issuing the Section 19(1) notification and that possession of their lands is being taken forcibly under the guise of the award enquiry notice.

5. In light of these allegations, the writ appellants filed the writ petition, asserting that any attempt to take forcible possession of their property while the notification is under challenge would violate their constitutional rights under Article 300-A. They sought interim relief pending the outcome of the writ petition.

6. At the admission stage, the learned Advocate General, representing the State, opposed the grant of interim relief. According to the order of the learned Single Judge, a total of Ac.280.9956 cents is required for the Seed Access Road. Of this, Ac.274.7416 cents have already been obtained through the Land Pooling Scheme (LPS). Respondent No.4 initiated the current land acquisition proceedings to acquire the remaining Ac.10.5018 cents needed to complete the road infrastructure project. Following the preliminary notification, an additional Ac.7.7768 cents was acquired through the LPS, leaving only Ac.2.725 cents to be acquired.

7. The learned Single Judge, after hearing both sides on 03.07.2026, passed the following order:

“Heard Mr. K. S. Murthy, learned Senior Counsel appearing on behalf of Mr. Sai Saran Chodisetty, learned counsel appearing for the petitioners, learned Advocate General appearing for the respondents 1, 2 & 4 to 6 and Mrs. S. Pranathi, learned Special Government Pleader, appearing for 3rd respondent.

The present Writ Petition assails the preliminary notification dated 08.01.2026, issued under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (*hereinafter referred to as 'the Act'*) and the orders rejecting preliminary objections, notification dated 03.06.2026 issued under Section 19 (1) of the Act and followed by the award enquiry notice, dated 06.06.2026.

The learned Senior Counsel contends that both preliminary notification as well as Section 19(1) notification are vitiated on account of following reasons:

(a). That there is no administrative sanction for issuance of notification under Section 11(1) of the Act.

(b). No prior survey was conducted in terms of Section 12 of the Act.

(c). There was no revision of market value in terms of the third proviso to Section 26 of the Act and lastly, that R & R was not undertaken.

He further contends that Forms A(1) & B(2) issued by the respondents are defective inasmuch as the details of administrative sanction, cost of project have not set out therein.

The learned Advocate General, on the other hand, made following submissions;

(a). that the notification under 19(1) has been issued on 03.06.2026, followed by award enquiry notice, dated 06.06.2026, scheduling the date of enquiry on 06.07.2026, only thereafter, petitioners have approached this Court at 11th hour.

(b). Further, the State had issued notification, dated 06.11.2025, under Section 10(A) of the Act exempting land acquisition proceedings within capital region for the purpose of conducting social impact assessment and R&R, etc., which is not under challenge in the present Writ Petition.

(c). Further, it is also contended that price revision and survey were duly undertaken before issuance of the acquisition proceedings. The petitioners had indeed participated in the enquiry conducted in terms of Section 15 and that their objections were duly considered. The scope of enquiry under Section 15 merely confined to the aspects of determining whether the area and suitability of land for the purpose of acquisition, besides justification for public purpose. Inasmuch as already there is an exemption granted under

Section 10(A), the other requirement of looking into social impact report does not arise.

(d). While drawing the attention of this Court to the orders passed in pursuance to the disposal of the objections, it is stated that as against Ac.280.9956 cents required for seed access road, Ac.274.7416 cents had already been taken through the land pooling scheme and the present land acquisition proceedings were issued to acquire Ac.10.5018 cents for completion of a road infrastructure project. Further, after issuance of the preliminary notification, an extent of Ac.7.7768 cents has been taken through land pooling scheme, thereby the acquisition confining only to Ac.2.725 cents.

In that view of the matter, it is urged that the respondents would file detailed counter to the Writ Petition bringing all the above aspects on record.

Having considered the submissions made by both learned Senior Counsel for the petitioners as well as learned Advocate General appearing for the respondents and also keeping in view the importance of the project which is meant for public purpose and that too for formation of seed access road, that substantial portion of land has already been acquired through land pooling scheme, *prima facie*, this Court is of the opinion, it is not desirable in the public interest to interfere with the ongoing acquisition proceedings at this stage.

All the legal submissions made above by the respective learned counsels require deeper examination and cannot be adjudicated at this interlocutory stage, without filing of a detailed counter-affidavit.

However, it is made clear that the acquisition proceedings and the consequential award that may be passed shall be subject to final result in the Writ Petition.

Let counter-affidavit be filed within two (02) weeks. Reply-affidavit, if any, shall be filed within two (02) weeks thereafter.

List on 31.07.2026, for counter-affidavit.”

8. The Writ Appellants, aggrieved by the non-grant of the interim relief as prayed, have preferred these two appeals independently against the proceedings of the learned Single Judge dated 03.07.2026.

9. The relief (s) sought under WA 849 of 2026 and WA 850 of 2026 are as follows:

“In view of the above, it is humbly prayed that this Hon'ble Court may be pleased to set aside the Impugned order dated 03.07.2026 passed in W.P.No.17814 of 2026 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

10. Sri K.S. Murthy, learned Senior Counsel, assisted by Sri Sai Saran Chodisetty, represented the appellants in both cases. Sri Dammalapti Srinivas, learned Advocate General, assisted by Mrs. S. Pranathi, Special Government Pleader, appeared for the respondents.

Submissions of learned counsels:

11. Learned Senior counsel for the writ appellants, Sri. K. S. Murthy, argued that the writ petition was filed challenging the impugned preliminary notification, the proceedings relating to the preliminary enquiry, and the notification issued under Section 19(1) of the Act, seeking various reliefs. It was contended that the respondents were making high-handed attempts to take possession of the property of the writ appellants without following the due procedure established under the Act. If possession is taken away forcibly, the writ appellants are left without their land. Therefore, the writ appellants were constrained to approach the learned Single Judge seeking interim protection by way of stay of acquisition and dispossession by respondent No.5.

12. Learned Senior counsel argued that the learned Single Judge did not fully consider the appellants' concerns, especially the risk of dispossession by the respondents. He highlighted discrepancies in the acquisition process, noting that the preliminary notification was issued in January 2026, but the respondents did not address the objections until June 2026. Although the appellants submitted nineteen objections, the District Collector-cum-Land Acquisition Officer rejected them without providing a reasoned order. He further submitted that the notification issued in Form VII under Section 19(1) with Section 25(1) of the Act, dated 03.06.2026, indicates that the number of Project Displaced Families/Project Affected Families (PDF/PAF) due to the acquisition is shown as "**Nil**" in the translated copy at page No.64 of the material papers.

13. However, in the earlier declaration issued in Form VII under Section 25(1) of the Act, dated 11.05.2018, relating to the very same extent of land belonging to the writ appellants, Respondent No.4 had specifically noted that 16 families were likely to be rehabilitated and resettled due to the proposed acquisition. It was also stated that three cattle sheds would be affected, and that 329 families, including PDF's, were likely to be impacted.

14. Learned counsel emphasized this inconsistency, noting that the 2018 declaration recognized that 16 families would require rehabilitation and 329 families would be affected, including the writ appellants. Despite these findings, the Government has not implemented any rehabilitation and resettlement scheme as required by the Act. Additionally, there is no disclosure of the rehabilitation and resettlement summary in the office of the Land Acquisition Officer, Undavalli.

15. Learned counsel for the appellants further submitted that the administrative sanction for the project by the requiring authority was not obtained as required by Rule 3 of the LA&RR Rules, 2014 for which Form-I has been prescribed. As per appendix-III of Form-I under Rule 3, it is to be clearly mentioned that the project

for which the land is sought to be acquired had been administratively approved vide department letter No. and dated. He submitted that as per the document (Certificate) annexed, no number nor the date of any such administrative approval has been mentioned. So, in the absence of any administrative approval certificate, the acquisition could not be proceeded with.

16. According to learned Senior Counsel, the respondents' actions constitute a forcible violation of the writ appellants' constitutional and statutory rights. He therefore requested that, given the refusal of interim relief, the intervention of this appellate court is necessary to protect the appellants' rights.

17. Learned senior counsel further submitted that the right to property is a constitutional right under Article 300-A of the Constitution of India. No person shall be deprived of his property save by authority of law. The deprivation can be by the authority given under the LA&RR Act, 2013, but for that the established procedure is also to be followed.

18. Learned senior counsel for the appellants placed reliance in **Premji Nathu vs. State of Gujarat and another**¹ and **Dhanjaya Reddy vs. State of Karnataka**². He contended that it is a settled principle of law that where a power is given to do a certain thing in a certain manner, the thing must be done in that way or not at all. Placing reliance on **Premji Nathu** (supra), he submitted that what needs to be emphasized is that along with the notice issued under Section 12(2) of the LA&RR Act, 2013, the landowner who is not present or is not represented before the Collector at the time of making of award should be

¹ (2012) 5 SCC 250

² (2001) 4 SCC 9

supplied with a copy thereof so that he may effectively exercise his right under Section 18(1) to seek reference to the Court.

19. The learned Advocate General, Sri. Sri Dammalapti Srinivas, refuted the submissions advanced by the learned Senior Counsel for the writ appellants. He submitted that the acquisition is for the E-3 Seed Access Road, which was intended to provide connectivity to the Capital City Region and its road infrastructure, including connecting corridors, which squarely falls within the definition of a public purpose under Section 2 of the Act. The acquisition is not for any private benefit or commercial exploitation. It is for the public at large.

20. Learned Advocate General further submitted that an extent of Ac.280.9956 cents is required for the Seed Access Road project, out of which Ac.274.7416 cents has already been obtained through the Land Pooling Scheme (LPS). Major portions of the road have already been laid and are in use. The present acquisition pertains only to the remaining residual extent required for completion of the road alignment.

21. He further argued that the writ appellants' interference is hindering completion of the public project. As the project serves the public interest, the State is entitled under the Act to acquire the remaining land. Most of the required land has already been obtained through the LPS, and the Government has complied with all mandatory procedures under Sections 15, 16, 17, and 18. The learned Advocate General emphasised that restraining the progress of a public interest project is not justified. In this case, landowners have voluntarily contributed land. Considering these factors, the learned Single Judge declined to grant interim relief and held that the acquisition proceedings are subject to the outcome of the writ petition, as certain additional documents were required to be placed before the Court.

22. Recording the said submission, the matter was adjourned and thereafter this Court, by its order dated 17.07.2026 in W.A.No.849 of 2026, directed the Respondents to maintain the position as maintained under the proceedings dated 16.07.2026 until the next date of listing. Accordingly, interim protection regarding possession is continued.

23. In the course of further hearing, the writ appellants as well as the respondents have filed additional affidavits bringing forth the developments that took place after 03.07.2026.

Further submissions of both the learned counsels:

24. The learned counsel for the writ appellants submitted that, in respect of the subject property under Writ Appeal No.850 of 2026, the possession has already been taken over to some extent and that only the remaining extent of land is involved in W.A.No.849 of 2026. He submitted that Respondent No. 4 has taken possession during the pendency of the writ appeal. Therefore, no grievance survives in the said writ appeal except challenging the award, particularly relating to the determination of compensation.

25. Learned counsel submitted that, regarding W.A.No.849 of 2026, this Court, after recording the submission of the learned Advocate General on 16.07.2026, directed the respondents to maintain the status of possession as of that date. The Court subsequently extended the interim order, so the writ appellants continue to possess the property under appeal.

26. Learned counsel for the writ appellants filed an additional affidavit along with photographs of the subject property and submitted that the photographs disclose the developments that took place during the interregnum, after the order dated 03.07.2026 passed by the learned Single Judge declining to grant interim relief. According to the writ appellants, the subsequent developments clearly

demonstrate that Respondent No. 4 took possession during the pendency of the proceedings, which is against the principles of law.

27. The learned Advocate General submitted that an award under the Act has already been passed on 10.07.2026, and the respondents sent the award to the appellants. But they refused to receive the same. Respondents have stated that the award was determined under the Act and a cheque representing the award amount, dated 10.07.2026, had been forwarded to the writ appellants. However, the writ appellants refused to receive the award amount. He submitted that once an award is passed, any grievance as to the quantum of award has to be challenged under the provisions of the Act. The grievances of the appellants are protected under the law.

28. The learned Advocate General further submitted that the learned Single Judge found the issues raised are disputed questions demanding detailed examination and thus declined to resolve them at the interlocutory stage. Therefore, the learned Judge declined to grant interim relief, and categorically ordered that the acquisition proceedings and any award would remain subject to the outcome of the writ petition.

29. It is further submitted that, by the time the impugned order was passed, the respondents had not filed their counter-affidavit. The learned Single Judge specifically granted two weeks to the respondents to file their counter-affidavit and permitted the writ petitioners to file a reply affidavit, if any, within two weeks thereafter. The respondents have not filed their counter, as the time granted was up to 31.07.2026. Due to the filing of these appeals, Respondents could not file counters. The period is up to 31.07.2026. It is further submitted that, by order dated 17.07.2026, an interim status quo was granted, providing no immediate risk to the writ petitioners or appellants.

30. The learned Advocate General contended that it is not the case of the respondents that the land has been forcibly taken. Respondents are acquiring

land for the development of the Capital Region and for construction of the Seed Access Road, which is an essential infrastructure project in the public interest. Thus, no interference is required in the order under appeal.

31. Learned Advocate General further submitted that the learned single Judge has passed the order dated 03.07.2026 on consideration of the various factors. Considering the public purpose and that the petitioners' land as involved therein was very meager when compared to the total land for the project for the seed access road; declined to grant the interim order as was prayed by the writ petitioners/appellants. He submitted that the exercise of the writ appellant's jurisdiction no interference was required in the discretion exercised by the learned single Judge. He placed reliance in the case of **Dalpat Kumar and another vs. Prahlad Singh and others**³ to contend further that the grounds on which the interference can be made are not available in the present appeal. The impugned order neither suffers from perversity nor any settled principle of law regulating the grant of refusal of interlocutory injections has been ignored.

32. Learned Advocate General placed reliance in **Kolkata Municipal Corporation and another vs. Bimal Kumar Shah and others**⁴, and referred to seven principles laid down in the said case in land acquisition matters. He also placed reliance in **Jayabheri Properties Private Limited and other vs. State of Andhra Pradesh and others**⁵ and contended that in that case also the major stretch of the outer ring road, only a small stretch involved the plots of the appellants, therein. That factor is relevant which was taken into consideration by the Apex Court in declining to interfere with the orders of the High Court.

33. The learned Advocate General also placed reliance in the **Estate Officer, Haryana Urban Development Authority and others vs. Nirmala Devi** in Civil

³ 1993(1) SCC 325

⁴ (2024) 10 SCC 533

⁵ (2010) 5 SCC 590

Appeal No.7707 of 2025 dated 14.07.2025 to contend that the allotment of plots as oustees only, cannot be claimed as a matter of right and ordinarily, rehabilitation should only be meant for those persons who have been rendered destitute because of loss of residence or livelihood as a consequence of land acquisition.

34. Heard learned Senior Counsel for writ appellants, Sri K.S. Murthy, with Assisting counsels and Learned Advocate General, Sri Dammalapti Srinivas along with Mrs.S. Pranathi. We have also perused the material on record.

Discussion:

35. We have noted that the prompting for appeal is the refusal of the learned Single Judge to grant any interim relief, pending the writ petition which, according to the appellants, has prompted a serious threat of dispossession leading to this appeal.

36. The appellants' grievance is that when there are clear violations of the mandatory provisions governing land acquisition, the acquisition proceedings themselves become illegal; thus, under the garb of the proceedings, Respondents cannot dispossess them. The illegality vitiates the notification itself; consequently, the acquisition.

37. Respondents' case is that it is a public project; except Ac.2.725 cents of land, Respondents have taken the other extent of land Ac.7.7768 cents under the LPS – land pooling scheme. The process began in January 2026 following due procedure; compensation for land is properly assessed under the Act. Amounts for rehabilitation and resettlement have been earmarked for affected families. As to the respondents, after the Writ Petition proceedings dated 03.07.2026, their objections were rejected, due procedure was followed, and an award of compensation was passed. A cheque for Rs.85,64,361/- and another amount of Rs.1,26,65,042/- were kept ready but not disbursed as the appellants refused

them. The amount was deposited with the Land Acquisition Officer. Due to the writ appellants' obstruction, road works are halted for a small portion; otherwise, completion would have occurred. Rehabilitation measures under the Act have been undertaken.

38. These developments occurred during the pendency of these appeals and were not before the learned Single Judge at the time of the interim order. The learned Single Judge, based on the facts then available, provided that all actions would be subject to the outcome of the writ petition.

39. The additional affidavits show that possession of the property under Writ Appeal No.850 of 2026 has already been taken, and an award of compensation has been passed under the Act. Therefore, relief against dispossession in Writ Appeal No.850 of 2026 does not arise, a point fairly conceded by learned counsel for the appellant.

40. In Writ Appeal No.849 of 2026, interim protection regarding the scheduled property as proposed in this appeal remains in place.

41. The learned Advocate General argued that this interim protection is hindering project progress, contending that all legal formalities have been followed and that further extension of the interim order would adversely affect the project. He requested that the interim order be vacated and the W.A No.849 of 2026 be dismissed.

42. We are of the view that the submissions advanced by the learned counsel for the appellants with respect to not following the procedure for acquisition of the land under the LA&RR Act, 2013, cannot be said to be not relevant for consideration on merits of the case. Learned single Judge while passing the order dated 03.07.2026 also noted down the submissions advanced before him by the learned senior counsel for the appellants as also learned Advocate General, and on consideration of those submissions, observed that “all the legal

submissions made above by the respective counsels require deeper examination and cannot be adjudicated at this interlocutory stage without filing of detailed counter affidavit". The learned single Judge granted time to file the counter affidavit and the reply affidavit fixing 31.07.2026 in the writ petitions. The learned single Judge observed that "prima facie this Court is of the opinion it is not desirable in the public interest to interfere with ongoing acquisition proceedings at this stage".

43. A reading of the order of the learned single Judge, makes it clear that the matter required deeper examination and a detailed counter was called for as the matter could not be adjudicated at the interlocutory stage. The interim order as prayed was not granted at that stage, i.e when there was no counter affidavit. The learned single Judge has however provided that the acquisition proceedings and the consequential award that might be passed shall be subject to final result of the writ petition.

44. We are of the view that entering into the merits of the submissions advanced from both the sides, on the validity of the notification, compliance or non-compliance with the procedure in issuing the notification, rehabilitation scheme, the writ appellants whether entitled or not for the rehabilitation under any such scheme of rehabilitation, and if they are so entitled, in view of the submissions advanced that at a time when previously the notification was issued for the same land, which notification was subsequently withdrawn and fresh notification, the present one, was issued, and its effect on the impugned notification, making of any observation either way would affect the lis in pending writ petition, which is yet to be decided after the counter affidavit. The interim relief application of the writ appellants also being pending in the writ petition and its disposal on merits after counter affidavit may also be affected. From the order dated 03.07.2026 what becomes evident is that for the time being i.e in the

absence of the counter it was considered not desirable to interfere with the ongoing acquisition proceedings at the interlocutory stage.

45. So, we refrain from making any observations on the merits of the submissions advanced. That is also not the scope at present in the writ appeal, but for considering the validity or otherwise of the order under challenge, entering into the merits of the order in the light of submissions advanced, which pertain to the merit of the writ petition, will also have to be gone into. So, for the said reason, as it also involves various factual aspects we deem it appropriate not to enter into that aspect, when the writ petition and I.A is pending before the learned single Judge.

46. However, in our view, valuable right of the writ petition is involved. It is not in dispute that their land is the subject matter of the land acquisition notification. It may be that very little part is under acquisition but the right to property as guaranteed under Article 300-A of the Constitution of India, is not dependant on the extent of the property or an area. No person can be deprived of the right to property save by authority of law. Deprivation of even a smaller portion of ones' property has to be in accordance with law. It is no doubt true that in case of conflict between larger public interest and the interest of an individual, it is the larger public interest that should prevail and an individual interest should give way to the larger public interest, but the deprivation however small in the eyes of others cannot be, except in accordance with law. In accordance with law does not mean only by authority of law but also by following the procedure established by law. The authority may be there under the Act, 2013 for acquisition of the land but in doing so the authority has also to follow the procedure prescribed by law. The contention of the writ appellants' counsel that the mandatory provisions and procedure has not been followed cannot be rejected at this stage as having no substance or worth no-consideration. However, whether the procedure was or was not followed and its effect is the matter for consideration in the pending writ

petition and for certain period the interest of the writ appellant(s) in W.A.No.849 of 2026 deserves protection.

47. To meet both the ends of justice, we deem it appropriate that the writ petitions itself may be decided on an early date, if so, possible on the next date fixed in the writ petitions, or in any case, the interim relief application of the writ petitioners may be decided finally.

CONCLUSION:

48. Without observing anything on the merits of the submissions advanced from either side in either way, we dispose of Writ Appeal No.849 of 2026 by providing that the respondents, in the writ appeal, shall file the counter affidavit in the writ petitions, if not already so filed, by the next date. After the counter affidavit is filed, the application for interim relief filed by the writ petitioners shall be considered and finally decided by the learned single Judge. The writ petitions may itself be decided finally with opportunity to both sides. Till the application for interim relief is finally decided, the interim protection granted in W.A.No.849 of 2026 shall continue, only with respect to writ appellants of W.A.No.849 of 2026 i.e in W.P.No.17814 of 2026. We expect that the application of interim relief shall be considered and decided expeditiously within a period of one week from the date of filing of the counter affidavit by the respondents. The writ appellants/writ petitioners shall file their rejoinder affidavit if any within the aforesaid period of one week. The writ appellants/writ petitioners shall not seek any adjournment and shall cooperate, in the proceedings of the writ petitions and in their application for interim relief.

Writ Appeal No.850 of 2026:

49. With respect to W.A.No.850 of 2026, learned Advocate General submitted that, that appeal is not being argued by him and the arguments advanced are only in W.A.No.849 of 2026.

50. One of the appellants namely Singamsetti Anupama in W.A.No.850 of 2026 (5th petitioner in W.P.No.17813 of 2026) filed a memo dated 21.07.2026 for withdrawal of the writ appeal only with respect to her individual claim.

51. We however find no reasonable or justifiable cause for keeping the W.A.No.850 of 2026 pending in view of pendency of the W.P.No.17813 of 2026 as also in view of the subsequent development taking place after the impugned order dated 03.07.2026, but without prejudice to the right of both the sides in the writ petition.

RESULT:

52. In the result:

- (A) W.A.No.849 of 2026 is disposed of with the observations and the directions as in paragraph 48 (supra).
- (B) W.A.No.850 of 2026 is dismissed as withdrawn for the appellant No.5 (writ petitioner No.5 in W.P.No.17813 of 2026) namely Singamsetti Anupama.
- (C) W.A.No.850 of 2026 also stands disposed of clarifying that in W.A.No.850 of 2026 we have not interfered with the order of the learned single Judge. So in the cases of the writ petitioners in W.P.No.17813 of 2026, the order dated 03.07.2026 providing that “the acquisition proceedings and consequential award that may be passed shall be subject to the final result of the writ petition”, shall continue, but subject to any further orders as may be passed by the learned single Judge in W.P.No.17813 of 2026.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI,J

PURUSHOTTAM KUMAR CHINTALAPUDI,J

Dated:30 .07.2026

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

DSV/Gk

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

&

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

WRIT APPEAL Nos.849 and 850 of 2026

Date:30.07.2026

Dsv/Gk