



**IN THE HIGH COURT OF ANDHRA PRADESH**

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**W.P. No.28273 of 2021**

**Between:**

A V K VISWANATHA RAJU,  
S/o late A V Narsimha Raju Aged 62 years,  
Occ: Agriculture, R/o Gudimella Lanka Village,  
Malkipuram Mandal, East Godavari District.

.... Petitioner

AND

UNION OF INDIA,  
Rep. by its Secretary, Ministry of Road Transport and Highways,  
New Delhi and eleven others.

.... Respondents

DATE OF JUDGMENT PRONOUNCED: **10.10.2022**

**SUBMITTED FOR APPROVAL:**

**THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

1. Whether Reporters of Local Newspapers  
may be allowed to see the judgment? Yes / No
2. Whether the copies of judgment may be  
marked to Law Reporters / Journals? Yes / No
3. Whether His Lordship wish to  
see the fair copy of the Judgment? Yes / No

**U. DURGA PRASAD RAO, J**



**\* THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

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.... Respondents

**! Counsel for Petitioner** : Sri V.V. Satish

**^ Counsel for Respondents** : Sri N. Harinath, learned Assistant Solicitor General representing respondents 1 to 4; Sri S.S. Varma, learned standing counsel representing respondent 5; Sri P. Veera Reddy, learned Senior Counsel representing learned Government Pleader for Roads & Buildings for respondents 6 and 7; learned Government Pleader for Land Acquisition representing respondent No.8; learned Government Pleader for Revenue representing Respondent No.9 and Ms. Nimmagadda Revathi, learned counsel for respondents 10 to 12.

**< Gist:**

**> Head Note:**

**? Cases referred:**

1. (2017) 2 ALD 704
2. AIR 1954 119
3. AIR 1983 SC 803
4. (1997) 1 SCC 134



**HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

**Writ Petition No.28273 OF 2021**

**ORDER:**

The petitioner seeks writ of mandamus challenging the notification SO No.2563/E, dated 25.06.2021 issued by the 1<sup>st</sup> respondent proposing to acquire the land of the petitioner along with other lands in the stretch of National Highway No.216 from KM 126.1 to KM 10.8 of East Godavari District, Andhra Pradesh as illegal, arbitrary and contrary to the provisions of National Highways Act, 1956 (for short 'Act, 1956').

2. Petitioner's case succinctly is thus:

(a) The 1<sup>st</sup> respondent issued notification in S.O.2563(E), dated 25.06.2021 U/s 3(A)(1) of the Act, 1956 proposing to acquire the lands mentioned in the schedule of the notification which includes the lands in Sy.No.654, 656, 660, 661 and 663 of Malikapuram Mandal in East Godavari District for the purpose of formation of two-line bypass road to National Highway No.216 at the stretch of 126.1 KMs to 10.8 KMs from the bypass to Narsapur Town Road. Objections were called for within 21 days from the date of publication of the notification to be submitted to the Sub Collector, Amalapuram /8<sup>th</sup> respondent.



(b) The petitioner owns the land admeasuring Ac.0.67 cents, Ac.0.33 cents and 0.19 cents in Sy.No.654/1, 654-12, 654-9 and Ac.1.37 cents in Sy.No.656-5A, Ac.0.35 cents in Sy.No.661/2A2 and 0.53 cents in Sy.No.663-1 of Gudimellanka Village, Malkipuram Mandal, East Godavari District. The petitioner's lands are effected by the notification. In his lands there is an ancient water tank which was earlier used for drinking and presently for his cattle and also for irrigation. Hence the petitioner submitted his objections on 05.07.2021 to the Tahsildar, Malkipuram stating that if the national highway road passes through the middle of the land, his tank and agriculture will be affected totally. The Tahsildar forwarded his objection to the 8<sup>th</sup> respondent. Besides, the Tahsildar inspected his lands and submitted a report in Ref.A/889/2021, dated 16.09.2021 confirming the existence of two tanks in Sy.No.656 and Coconut garden in Sy.No.654 and stating that the alignment will affect a portion of water tank and also a portion of Coconut garden. The petitioner sent another representation on 03.08.2021 to the 1<sup>st</sup> respondent.

(c)The 3<sup>rd</sup> respondent along with the 4<sup>th</sup> respondent and other field staff reviewed the alignment on 29.09.2021 and agreed to change



the design from KM 18.200 to 19.900 subject to the condition that if the new land losers agree to give no objection. The 7<sup>th</sup> respondent addressed a letter dated 01.11.2021 to the 8<sup>th</sup> respondent informing about the decision of the 3<sup>rd</sup> respondent to change the alignment and requested to take steps accordingly within three weeks. He enclosed the modified alignment map also to his letter which shows that the modified alignment is a straight alignment and reduce the length of the stretch about one kilometer when compared to the earlier notified alignment. The 8<sup>th</sup> respondent in turn directed the Tahsildar, Malkipuram to enquire into the matter and contact the land owners and take their consent vide his letter Ref.B/528/2021, dated 05.11.2021.

(d) In the modified alignment there are about 10 survey numbers, out of which, four survey numbers i.e., 249, 250, 251 and 748 are the government lands and the land in S.No.664 belongs to petitioner which he has no objection for acquisition and therefore the authorities have to acquire only the remaining five survey numbers. However, the Tahsildar has not taken any action in this regard. In the meanwhile, on 26.11.2021 the officials of the respondents came to petitioner's land and tried to dig the land as per the previous alignment



to erect the stones. The petitioner objected for their actions informing that the authorities have agreed for modification of the alignment. However, they stated that they were acting upon the instructions of Sub Collector, Amalapuram. The Sub Collector ought not to have followed the old alignment when the decision to change the alignment is pending. Hence the action of respondents is illegal.

(e) In the Section 3A notification only survey numbers are mentioned but their sub divisions and maps are not provided. As per the decision of the Apex Court, failure to provide such full details will deprive the owners of the lands to submit their objections. Hence Section-3A notification is not in accordance with law.

Hence the writ petition.

**3.** The respondents 6 and 7 filed counter along with vacate stay petition contending thus:

(a) A bridge across Vasista, the branch of Godavari river, was proposed to be constructed by the State and Central Governments. In the absence of such bridge, all these years, there is a ferry service for the commuters at the points of Sakinetipalli-Narsapuram. Initially, the bridge was proposed to be constructed on the upstream side of



Sakinetipalli-Narsapuram ferry points. Subsequently in the year 2008 the said proposal was stopped and it was proposed to construct on the downstream side at a distance of 200 meters from Sakinetipalli-Narsapuram ferry points. The said proposal was to connect the existing Kakinada – Amalapuram - Narsapuram state highway road on East Godavari to West Godavari side. It covers Sakinetipalli Lanka, Sakinetipalli, Tekisettipalem, Malkipuram, Gidimellanka, Medicherlapalem and Sivakodu Lock. A DPR was prepared in this regard. The alignment was approved by the 3<sup>rd</sup> respondent. The Regional Officer, Ministry of Road, Transport & Highways, Vijayawada communicated the alignment plans to respondents 6 and 7. The plan was approved for 450 crores by the 1<sup>st</sup> respondent with an object to provide good connectivity between East and West Godavari Districts. Accordingly, section 3A notification was issued calling for objections. The petitioner caused obstruction to the staff of the respondents for undertaking the work. On 03.08.2021 the petitioner submitted representation to the 1<sup>st</sup> respondent to make small change in the road alignment to one side of the margin of his land instead of taking the alignment through the middle of his agricultural lands in S.No.654, 656, 661 and 663.



(b) The 3<sup>rd</sup> respondent conducted a review meeting on 29.09.2021 at Vijayawada and proposed minor modification in the approved alignment in the design chainage at KMs 18.200 to 19.900 subject to the condition that if the new land losers agree to give an undertaking to the concerned revenue authorities and if such undertaking was given, petitioner's land would be saved. Respondent No.7 addressed a letter dated 01.11.2021 requesting the 8<sup>th</sup> respondent to look into the matter and obtain the consent of the land owners in the newly proposed survey numbers 249, 250, 251 and 253 of Ramarajulanka Village and Sy.Nos.664, 665, 676, 674, 677 and 748 of Gudimellanka village within three weeks. After conducting enquiry the 8<sup>th</sup> respondent in his letter date 22.11.2021 informed that the land owners were not willing to give consent for the proposed change in alignment. In that view, once again peg marking of right of way was taken up but the petitioner caused obstruction. It is pertinent to mention that the allegation of the petitioner that the change in alignment would reduce the road length by one kilometer and that it would be a straight alignment is incorrect. In fact there would be only a difference of 96 meters which is less than 10% of approved alignment. Further, the Tahsildar vide his letter in Ref.A/889/2021,





dt; 22.11.2021 and 10.12.2021 informed that the majority of land owners in the proposed new alignment are small and marginal farmers, whereas the petitioner is a big farmer having Ac.12.52½ cents of agricultural land. Out of his land, only Ac.3.44 cents mentioned in his writ affidavit would be affected due to the approved alignment. Hence, considering all these circumstances original alignment was approved.

(c) Finally, it is stated that the total length of road and bridge is 23.2 kilometers covering West Godavari and East Godavari Districts, out of which, the length of bridge is 1.1 kilometers. While so, a small section of 700 meters will pass through the agricultural land of the petitioner and only the petitioner is objecting for acquisition. The local people are facing a lot of problems for lack of bridge and to mitigate their risk in travelling through ferry the immediate construction of the bridge is necessary. It would connect Kakinda – Amalapuram - Narsapuram road and provide fast transportation. Hence the writ petition may be dismissed.

4. The respondents 8 and 9 filed counter in similar lines of respondents 6 and 7 and opposed the writ petition.



5. It may be noted that unofficial respondents 10 to 12 got impleaded themselves as per order dated 21.03.2022 in I.A.No.1 of 2022 and filed vacate stay petition.

(a) Respondents 10 to 12 opposed the new alignment. Their case is that they owned lands in Sy.Nos.665, 673, 674, 677 and 748 of Gudimellanka Village. They are all small and marginal farmers and eking out their livelihood by cultivation. The petitioner is concerned, his lands are include at serial Nos.25, 26, 28 and 29 of 3A notification. He is cultivating salt water aquaculture in his land without obtaining any permission. He sought for change of alignment. However, the land owners under new alignment did not agree for change of alignment. The land in Sy.Nos. 250 and 748 are not government lands and they are patta lands. The alignment originally made by the respondent authorities was after a thorough study by the experts in the field with professional standards of high order. Hence there is no need to change the alignment. The writ petition is liable to be dismissed.



6. Heard arguments of Sri V.V Satish, learned counsel for the petitioner; Sri N. Harinath, learned Assistant Solicitor General representing respondents 1 to 4; Sri S.S. Varma, learned standing counsel representing respondent 5; Sri P. Veera Reddy, learned Senior Counsel representing learned Government Pleader for Roads & Buildings for respondents 6 and 7; learned Government Pleader for Land Acquisition representing respondent No.8; learned Government Pleader for Revenue representing Respondent No.9 and Ms. Nimmagadda Revathi, learned counsel for respondents 10 to 12.

7. The points for consideration is whether there are merits in the writ petition to allow?

8. **POINT**: Both parties have reiterated respective pleadings in their arguments. While it is the argument of the petitioner that by din't of the existing alignment, his agriculture in an extent of Ac.3.00 acres will be effected and the water tanks existing in his lands will also be effected and when he brought this fact to the knowledge of the respondent authorities, the 3<sup>rd</sup> respondent agreed to review the alignment and instructed the 7<sup>th</sup> respondent to take steps and 7<sup>th</sup> respondent in turn requested the 8<sup>th</sup> respondent to consider the same



and take steps to acquire lands in the new survey numbers to effectuate the change in alignment. However, the new alignment was not accepted by the respondents 3 to 9 on the flimsy ground that the owners of the lands covered by new survey numbers are not willing to part with their lands. It is argued that the 1<sup>st</sup> respondent so far has not passed any order rejecting the request of the petitioner for change in the alignment, meaning thereby the petitioner's request is still pending with the highest authority and as such the other respondents cannot proceed with the project work in the meanwhile. It is further argued that the new alignment is cost effective, inasmuch as, the original alignment is in the shape of a curve, whereas, the new alignment if adopted will take the shape of a straight line and thereby reduce the distance by one kilometer and also corresponding expenditure. Further, in the modified alignment, only 10 survey numbers will have to be included. Out of them, 4 survey numbers i.e., Sy.Nos.249, 250, 251 and 748 are government lands and one survey number i.e., Sy.No.664 belongs to the petitioner which he will part with. Therefore, the respondents have to acquire the land covered by the remaining 5 survey numbers only which is not a daunting task.



9. In oppugnation, the arguments of the official respondents are that in order to construct Narsapuram Bypass road to connect East and West Godavari Districts and also with an avowed object to construct a road bridge on Vasista, the branch of river Godavari, the project was undertaken with an outlay of Rs.450 Crores. The total distance is about 23 kilometers covering the East Godavari and west Godavari districts, out of which the length of the bridge over Vasista is 1.1 kilometers. A small section of 700 meters of the road passes through the agricultural land of the petitioner. The road-cum-bridge project is multipurpose project i.e., to connect the Sakinetipalli and Narsapuram by a bridge, as hitherto, the people are ferrying in between by undertaking risks and to connect Kakinada–Amalapuram–Narsapuram road to provide fast transportation. The petitioner alone objected the said project on an untenable ground that the water body in his land will be effected and thereby agriculture to an extent of Ac.3.00 cents will also be effected. In fact, in two tanks he is doing aquaculture and there is no water for irrigation. It is further argued by the respondents that the contention of the petitioner that the existing alignment is a curved one and if new alignment is accepted it will be in a straight line and thereby the distance will be reduced by one



kilometer is totally wrong. The excess distance in the present alignment is only 96 meters when compared to the proposed alignment. However, if the proposed alignment is accepted, about more than 33 small and marginal farmers will lose their lands. Hence they raised objection and refused to part with their small extents of land which is the only source of their livelihood. On the other hand, the petitioner is a big farmer as he owns more than Ac.12.00 cents and about Ac.3.00 cents may be effected due to the present alignment. Considering all these aspects, the respondent authorities have rejected the request of the petitioner and confirmed the existing alignment.

10. Learned Senior Counsel Sri P.Veera Reddy for respondents 6 and 7 would argue that the alignment was made by the experts in the field after a scientific survey and therefore this Court may not disturb the same on the ground that the petitioner raised some untenable objection. He placed reliance on *Marella Marithi Prasada Rao v. Union of India*<sup>1</sup> to argue that the plenary jurisdiction under Article 226 will not be exercised by the Court to overturn the policy decisions of the Government based on scientific expertise, which the Court

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<sup>1</sup> (2017) 2 ALD 704



lacks. It is further argued that by virtue of new alignment a number of small and marginal farmers will be deprived of their livelihood.

**11.** Ms. Nimmagadda Revathi, learned counsel for respondents 10 to 12 would argue that if new alignment were to be adopted, more than 33 small and marginal farmers will be deprived of their livelihood and on the other hand, by virtue of the present alignment, the petitioner alone will be effected and he is not a small farmer, as he is having about Ac.12.00 cents of land. She thus prayed to dismiss the writ petition.

**12.** I gave my anxious consideration to the above pleadings, documents and above divergent arguments submitted.

**13.** Facts not in dispute are that a project was envisaged by respondent authorities with an avowed object of widening the national highway from Dindi through Gudimellanka of East Godavari District in Andhra Pradesh in order to reduce the heavy traffic plying in this stretch and also to form a bypass to Narsapuram and to construct a road bridge on the Vasista, the branch of river Godavari and to connect the existing Kakinada–Amalapuram–Narsapuram State Highway Road on East Godavari to West Godavari side. Thus the



total project comprises of road and bridge at a stretch of 23.2 kilometers touching East and West Godavari districts, of which, the length of the bridge is 1.1 kilometers on Vasista and total outlay is stated to be Rs.450 croes. It is a further admitted fact that since long, people have been dangerously commuting between Sakinetipalli and Narsapuram mainly through ferries on Vasista, probably due to the fact that the stream-way is the shorter way than the Chinchinada-Dindi bridge.

**14.** Be that it may, as per Section-3A notification, a copy of which is filed along with the writ petition, petitioner's lands situated in Gudimellanka Village in Malkipuram Mandal are notified under Serial No.25 to 29 along with other lands. These lands are required for the widening of National Highway-216 from Dindi in East Godavari District from KM 126.1 to KM 10.8. As can be seen from the copy of representation dated 05.07.2021 submitted by the petitioner to Tahsildar, Malikpuram, the petitioner's claim is that he has lands in Sy.No.654, 656 which are notified and in those lands water tanks are existing and if NH line passes through the said lands, the water tanks and agriculture will be effected. The Tahsildar, Malkipuram submitted a report to the 8<sup>th</sup> respondent stating that there are two tanks





in Sy.No.656 and Coconut garden is there in Sy.No.654 and the existing alignment would pass through some extent of the tanks in Sy.No.656 and some extent in Sy.No.654. In that context, the 7<sup>th</sup> respondent has addressed a letter dt: 01.11.2021 to the 8<sup>th</sup> respondent stating that the 3<sup>rd</sup> respondent after conducting a review, has agreed in principle for minor modification in the approved alignment in the design chainage from 18.200 KM to 19.900 KM subject to condition that if the new land losers have no objection to part with their lands for the development of the road work. He requested 8<sup>th</sup> respondent to take necessary steps for acquisition. The 8<sup>th</sup> respondent in turn addressed letter in Ref.B/528/2021, dt: 05.11.2021 to the Tahsildar, Malkipuram to enquire into the matter and contact the land owners who will be effected due to the newly added survey numbers along with old survey numbers of Ramrajulanka, Gudimellanka villages of Malkipuram Mandal and obtain an undertaking that they do not have any objection to give their lands to the extent required for the development of the road work. Pursuant thereof, it appears, the Tahsildar, Malkipuram conducted a field survey in respect of the newly added survey numbers along with old survey numbers of Ramarajulanka and Gudimellanka villages and submitted report to the



8<sup>th</sup> respondent vide his letter in Ref.A/889/2021, dt: 22.11.2021. A perusal of the aforesaid letter, a copy of which is filed by the respondents 6 and 7 along with their counter shows that there are more than 33 small and marginal farmers whose lands are included as per the new alignment and all of them made a representation before the Tahsildar that the new alignment effects their livelihood and requested to withdraw the same. The Tahsildar submitted the list of the farmers, their extents and survey numbers in tabular form. Apart from it, on the instructions of the 8<sup>th</sup> respondent, the Tahsildar seems to have made a field survey in respect of the lands of the petitioner which are effected by virtue of the existing alignment. He submitted a report vide Ref.A/889/2021, dt: 10.12.2021, a copy of which is filed by the respondents 6 and 7 along with their counter. It shows that the Tahsildar found that the cattle of the petitioner and neighbours are not depending on the existing water tank which is in an extent of Ac.00.50 cents situated in RS No.656 in Gudimellanka Village. He further stated that the water tank is not an irrigation source to the lands of the petitioner and other surrounding ryots. He further reported that the petitioner is doing aquaculture in an extent of Ac.2.80 cents in RS No.656 in Gudimellanka village.



15. Thus the above correspondence would make it clear that due to the existing alignment, petitioner alone would suffer to an extent of Ac.3.00 cents. However, if the alignment is changed, more than 33 farmers who own small extents of land and who solely depend on agriculture will suffer. Further, the petitioner is not a small farmer and he owns about Ac.12.00 cents of land. The water body claimed by him to be in existence in his land is proved to be wrong. He is doing aquaculture in those lands since the year 2016. His another plea that the existing alignment is in a curved manner and the new alignment, if approved, will be like a straight line and thereby reduce the distance by one kilometer is also proved to be wrong by the sketch filed by him along with material papers. As per the sketch, the length of original alignment is 1854.4655 meters whereas, as per the new alignment, its length is 1758.8292 meters. So the original alignment is only 96 meters more than the new alignment. In that view, there will not be any substantial cost reduction in the new alignment. On the other hand, if new alignment were to be adopted, a number of small and marginal farmers will be adversely effected. The petitioner has not disputed the above fact position. However, his only contention is as if his representation is still pending with the higher authorities and



in the meanwhile the respondents cannot take possession of his lands to proceed with the project. This is a far fetching contention in my view. So, going by the facts, the contention of petitioner is untenable.

16. Coming to legal angle, it is true that like the Land Acquisition Act, 1894, the National Highways Act, 1956 is also an expropriatory law which is primarily intended to acquire the private properties under the doctrine of eminent domain. The constitutional validity of such legislation mainly rests on the objects it sought to achieve i.e., public interest, public purpose and larger public welfare. When the acquisition through such law is for larger public purpose and welfare, the same will withstand the judicial review despite the fact that in the process, an individual or a group of people suffer due to wresting of their properties, of course on payment of compensation (vide *Dwarkanadas Shrinivas of Bombay v. The Sholapur Spinning & Weaving Co., Ltd.*,<sup>2</sup>).

17. It should be noted that after 44<sup>th</sup> amendment of the Constitution of India in 1978, the right to property became a constitutional right being removed from Fundamental Rights under Chapter-III. In *State*

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<sup>2</sup> AIR 1954 119



*of Maharashtra v. Chandraban*<sup>3</sup> the Apex Court held that after the 44<sup>th</sup> amendment, property right is ceased to be a fundamental right under the Constitution and considered as legal as well as human right. Thus, if the petitioner is provided with appropriate compensation, he cannot challenge the acquisition.

18. Be that it may, the grounds shown for exclusion of petitioner's land from acquisition are not formidable enough to exempt his land from acquisition. Moreover, it is not before making honest efforts that the respondent authorities struck to the original alignment. The reasons shown by them are obvious and convincing too to the logical and judicial conscience. The new alignment at best may reduce the distance by 96 meters only. However, thereby more than 33 small and marginal farmers will be adversely effected and deprived of their livelihood. In a case of this nature, it is the cardinal principle that individual interest must yield to societal interest. In **Ramnijklal N Bhutta v. State of Maharashtra and others**<sup>4</sup> the Apex Court has expounded the principle that the Courts must weigh the public interest

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<sup>3</sup> AIR 1983 SC 803

<sup>4</sup> (1997) 1 SCC 134



*vis-a-vis* the private interest while exercising the powers under Article 226 of Constitution of India. It observed thus

“10.xxxx. The power under Article 226 is discretionary. It will be exercised only in furtherance of interests of justice and not merely on the making out of a legal point. And in the matter of land acquisition for public purposes, the interests of justice and the public interest coalesce. They are very often one and the same. Even in a civil suit, granting of injunction or other similar orders, more particularly of an interlocutory nature, is equally discretionary. The courts have to weigh the public interest *vis-a-vis* the private interest while exercising the power under Article 226 – indeed any of their discretionary powers. It may even be open to the High Court to direct, in case it finds finally that the acquisition was vitiated on account of non-compliance with some legal requirement that the persons interested shall also be entitled to a particular amount of damages to be awarded as a lump sum or calculated at a certain percentage of compensation payable. There are many ways of affording appropriate relief and redressing a wrong; quashing the acquisition proceedings is not the only mode of redress. To wit, it is ultimately a matter of balancing the competing interests (emphasis supplied). Beyond this, it is neither possible nor advisable to say. We hope and trust that these considerations will be duly borne in mind by the courts while dealing with challenges to acquisition proceedings.”

**19.** There can be another reason also to discard petitioner’s request. As rightly argued by learned Senior Counsel Sri P. Veera Reddy, the alignment was made by a professionally managed statutory body



having expertise in the field of Highway Development and Maintenance. This Court under its plenary jurisdiction cannot sit in appeal over such acts without possessing requisite scientific skills and expertise with it. In **Marella Marithi Prasad Rao's** case (1 supra) the division bench of Common High Court of Andhra Pradesh has observed thus:

“8. While exercising jurisdiction under Article 226 of this Court would not sit in appeal over the decisions of the executive, more so where examination, of the technical matters in issue, require expertise of a high order. As this Court lacks the required expertise, to decide questions such as whether the existing alignment is proper, or an alternative alignment would serve larger public interest, it must necessarily defer to the wisdom of the experts in the field, and not take upon itself the task of determining whether a road should be laid in one particular alignment or another. While loss to the public exchequer is undoubtedly one of the considerations which the authorities are bound to bear in mind, while deciding on the nature of alignment of a road, there are several other factors which may also weigh in their decision to prescribe a particular alignment for the proposed national highway.

9. We must express our inability to agree with the submission of the learned Counsel for the petitioner that we should undertake the task of determining whether the existing alignment should be continued or not, as we lack the required expertise. While we see no reason to sit in judgment over the decision of the respondents



in prescribing a particular road alignment, we cannot also ignore the petitioner's claims that the alternate alignment, through the donka, would save public exchequer of Rs. 70.00 crores. We have no reason to doubt that these aspects shall be borne in mind by the authorities concerned in taking a decision whether the proposed alignment should be continued or changed. Any decision, which the respondents may finally take in this regard, can only be after the objections of those, whose lands are being acquired under the Act, are considered in accordance with Section 3C of the Act. Subject to the above observations, the writ petition fails, and is, accordingly dismissed. The miscellaneous petitions pending, if any, shall also stand closed. There shall be no order as to costs.”

**20.** In the case on hand, running the risk of pleonasm it must be said, the authorities have already considered the representation of the petitioner and for valid reasons did not accept. Therefore, I find no merits in the petitioner's case. Accordingly, the writ petition is dismissed without costs.

As a sequel, interlocutory applications, if any pending, shall stand closed.

**U. DURGA PRASAD RAO, J**

10.10.2022  
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**THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

**WRIT PETITION No.28273 of 2021**

**10<sup>th</sup> October, 2022**

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