

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

**WRIT PETITION Nos. 26412, 26416, 26418, 26423, 26425, 26428,
26434, 26474, 26475 & 26497 of 2025**

COMMON ORDER:

Since the issue involved in all the writ petitions is one and same, the writ petitions are disposed of by way of common order.

2. It is asserted in the affidavits filed in support of the writ petitions that respondent No.2 issued a Gazette notification (2022) under Section 3A of National Highways Act, 1956 (hereinafter referred to as 'the Act'). In the said notification, several lands across Vizianagaram District were notified

2.1 However, the initial notification did not include all the properties of the writ petitioners. Following this, a declaration under Section 3D of the Act was published in the Gazette on 03.07.2024, and subsequent proceedings under Section 3G (3) of the Act were issued by respondent No.5.

2.2 Hence, interfering with the petitioners' possession of the properties without proper notification and acquisition as contemplated under the Act is an infringement of Article 300-A of the Constitution of India. Therefore, the petitioners pray that the respondent authorities be directed not to acquire their lands without following due process of law.

3. Sri Yogesh, learned Central Government counsel takes notice on behalf of respondents 1 & 2 and would submit that the lands belonging to the petitioners have not been acquired as per the said Gazette.

4. Sri Y. Balaji, learned Government Pleader takes notice on behalf of respondent No.3 and Sri K.M. Krishna Reddy, learned Government Pleader takes notice on behalf of respondents 4, 5 & 6 and would submit that they will follow due procedure before acquiring the lands of the writ petitioners herein.

5 In the recent judgment of the Apex Court in ***Kolkata Municipal Corporation vs Bimal Kumar Shah***¹, highlighted the seven basic rights of private citizen's which constitute the “real content of the right to property under Article 300A” that the state should respect before depriving them of their private property. Which are extracted hereunder:

- (i) Right to Notice: The state must inform the landowner that it intends to acquire their property.
- (ii) Right to be Heard: The state must provide a platform for the landowner to raise objections against the acquisition.
- (iii) Right to a Reasoned Decision: The state must communicate its final decision, along with the reasons for it.
- (iv) Duty to Acquire Only for Public Purpose: The state must demonstrate that the acquisition is for a genuine public purpose.
- (v) Right of Restitution or Fair Compensation: The landowner is entitled to just and reasonable compensation for their property, reflecting its true market value.

¹ (2024) 10 SCC 533

(vi) Right to an Efficient and Expeditious Process: The acquisition process must be conducted efficiently and completed within prescribed timelines.

(vii) Right of Conclusion: The process must reach a final conclusion, with the property ultimately vesting with the state.

6. Further stated that the above seven rights are foundational components of a law that is tune with Article 300A, and the absence of one of these or some of them would render the law susceptible to challenge.

7. The seven principles which have been discussed are integral to the authority of law enabling compulsory acquisition of private property. Union and State statutes have adopted these principles and incorporated them in different forms in the statutes provisioning compulsory acquisition of immovable property. The importance of these principles, independent of the statutory prescription have been recognised by our Constitutional Courts and they have become part of our administrative law jurisprudence.

8. The culmination of an acquisition process is not in the payment of compensation, but also in taking over the actual physical possession of the land. If possession is not taken, acquisition is not complete

9. In the light of the above submissions made by the respondent counsels, the writ petitions are disposed of with a direction to the respondents to follow due process of law before acquiring the writ petitioners' land. There shall be no order as to costs.

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

JUSTICE TARLADA RAJASEKHAR RAO

Date: 24.09.2025
TVN

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