IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE SIXTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH AND THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 434 OF 2026

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 07/04/2026 in WP.No.25680 of 2023 on the file of the High Court.

Between:

1. Sk. Shabeer, S/o late Shaik ValiMohammed Age. 58 years Occ. Agriculture, R/o. Suraram village, Elkathurthy Mandal, Hanumakonda District, Telangana.
2. Sk. Sadhik, S/o late Shaik Vali Mohammed, Age. 55 years Occ. Agriculture, R/o. Suraram village, Elkathurthy Mandal, Hanumakonda District, Telangana.
3. Sk. Nafeeja, W/o late Vali mohammed, Age. 45 years Occ. Casual Labour, R/o. Suraram village, Elkathurthy Mandal, Hanumakonda District, Telangana.

...APPELLANTS/ WRIT PETITIONERS 5,6 AND 08

4. Maduri Thirupathi, S/o late Agaiah, Age. 50 years, Occ. Hotel Business, R/o. Suraram village, Elkathurthy Mandal, Hanumakonda District, Telangana.
5. Ambala Kumaraswamy, S/o late Uppalaiah, Age. 55 years Occ. Lorry driver, R/o.Valbhapur village, Elkathurthy Mandal, Hanumakonda District, Telangana.
6. Ambala Jayavardhan,, S/o late Mallaiah, Age. 53 years Occ. Kirana shop, R/o.Valbhapur village, Elkathurthy Mandal, Hanumakonda District, Telangana.
7. Ambala Ramjan, S/o late Rajaiah,Age. 50 years Occ. Agriculture R/o. Valbhapur village, Elkathurthy Mandal, Hanumakonda District, Telangana.
8. Ambala Anuradha, W/o Venkataswamy, Age. 45 years Occ. Kirana shop, R/o. Valbhapur village, Elkathurthy Mandal, Hanumakonda District, Telangana.
9. Dulam Prabhakar, S/o late Narsaiah Age. 58 years Occ. Agriculture R/o. Valbhapur village, Elkathurthy Mandal, Hanumakonda District, Telangana.
10. Dulam Sampath, S/o late Narsaiah, Age. 55 years Occ. Business R/o. Valbhapur village, Elkathurthy Mandal, Hanumakonda District, Telangana.
11. Manda Sadanandam, S/o late Mallaiah Age. 45 years Occ. Toddy tapper, R/o. Valbhapur village, Elkathurthy Mandal, Hanumakonda District, Telangana.

12. Ambala Goverdhan, S/o late Mallaiah, Age. 48 years Occ. Agriculture, R/o. Valbhapur village, Elkathurthy Mandal, Hanumakonda District, Telangana.

...NOT NECESSARY PARTIES/
WRIT PETITIONERS 1 TO 4, 7,9 TO 12

AND

1. The State of Telangana, Rep by its Principal Secretary, Revenue (LA and JA Department) Secretariat Buildings, BRKR Bhavan, Hyderabad
2. The Chief Commissioner of Land Administration Cum Chairperson R and R Monitoring Committee, O/o. CCLA, Nampally Station Road, Opp Annapurna Hotel, Hyderabad
3. The National Highway Authority of India, Rep. by its, Regional Officer, Banjara Hills, Road No.3, Beside SBH Staff College, Hyderabad.
4. The Project Director, National Highways Authority of India, PIU, Warangal, Balasamudram, Hanumakonda District.
5. The District Collector, Hanumakonda District
6. The Add Collector and Administrator R and R, Hanumakonda, Hanumakonda District.
7. The Revenue Divisional Officer Cum Land Acquisition Officer, Hanumakonda, Hanumakonda District.
8. The Tahsildar, Elkathurthy Mandal, Hanumakonda, Hanumakonda District.

...RESPONDENTS/
RESPONDENTS

I.A. NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the operation of impugned final order dated 07.04.2026 passed in W.P.No.25680 of 2023 while restoring the interim order dt.21.09.2023 in the said writ petition.

Counsel for the Appellants: SRI CH.RAVI KUMAR
Counsel for the Respondent Nos.1,2 & 5 TO 8: SRI E.RAMESH CHANDRA GOUD, GP FOR LAND ACQUISITION
Counsel for the Respondent Nos.3 & 4: SRI B.NARASIMHA SHARMA, ADDL. SOLICITOR GENERAL OF INDIA FOR SRI MADISHETTY RAMU, SC FOR NHAI

The Court made the following: JUDGMENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.434 of 2026

Dated: 16.04.2026

Between:

Sk. Shabeer
and 2 others.

...Appellants

and

The State of Telangana,
Rep. by its Principal Secretary,
Revenue (LA & JA Department),
Secretariat Buildings,
BRKR Bhavan, Hyderabad,
and 7 others.

...Respondents

JUDGMENT:

Learned counsel Sri Ch.Ravi Kumar appears for the appellants.

Sri E.Ramesh Chandra Goud, learned Government Pleader for Land Acquisition, appears for respondents No.1, 2 and 5 to 8.

Sri B.Narasimha Sharma, learned Additional Solicitor General of India, representing Sri Madishetty Ramu, learned Standing Counsel for

National Highways Authority of India (NHAI), appears for respondents No.3 and 4.

2. Three of the writ petitioners out of twelve are aggrieved by the impugned judgment dated 07.04.2023 passed in W.P.No.25680 of 2023, whereby the learned writ court relegated the writ petitioners to avail the statutory remedy under Section 3G(5) of the National Highways Act, 1956 (hereinafter referred to as, "the Act of 1956"), while refusing to entertain the writ petition.

3. The writ petitioners approached the learned writ court for a declaration that the action of the respondents in not taking steps to prepare Rehabilitation and Resettlement (R&R) Scheme and passing award under Section 31 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as, "the Act of 2013"), though the writ petitioners belong to the category of project affected and displaced families in view of the acquisition made for widening of the existing road from Karimnagar to Warangal section of NH-563, as illegal and unconstitutional. The writ petitioners also prayed that they are entitled to R&R Scheme provided in the Second and Third Schedules of the Act of 2013. In the writ proceedings, there was an interim stay for about a

period of two years from dispossession of the writ petitioners. However, according to the appellants, immediately after passing of the impugned judgment, their houses have been demolished and they are on roads. These appellants do not have any grievance as regards the compensation awarded in lieu of the acquisition of their land and structures standing thereupon. They, however, are aggrieved by non-consideration of their claim for R&R Scheme in terms of the Second and Third Schedules of the Act of 2013, which applies to acquisitions made under the Act of 1956.

4. In order to buttress the aforesaid point, learned counsel for the appellants has drawn the attention of this court to the order dated 28.08.2015 issued under Section 113(1) of the Act of 2013 by the Central Government wherein the benefits available to the landowners under the Act of 2013 are extended to similarly placed landowners whose lands are acquired under the 13 enactments specified in the Fourth Schedule thereunder, which includes the Act of 1956 at serial No.7. Learned counsel for the appellants has also relied upon the comprehensive guidelines issued under the Act of 1956 by the Ministry of Road, Transport and Highways, dated 28.12.2017, specifically paragraph 4.4 thereof in order to contend that land losers under the acquisition made under the Act of 1956 are not only entitled to

compensation in accordance with the First Schedule of the Act of 2013, but also R&R Scheme in accordance with the Second Schedule and the infrastructural amenities in accordance with the Third Schedule, as the Act of 1956 is specified at serial No.7 in the Fourth Schedule of the Act of 2013 with effect from 01.01.2015. Paragraph 4.4 of the said guidelines reads as under:

> "4.4 Following the notification of the aforesaid Ordinances, the Ministry of Road Transport & Highways issued a letter dated 29.04.2015 whereby the select provisions of RFCTLARR Act, 2013 were made applicable to the NH Act, 1956 with effect from 01.01.2015. A conjoint reading of the aforesaid shows that the Ordinance (Amendment) remained in force till 31st August 2015. *'Removal of Difficulties Order'* was issued by the Department of Land Resources on 28th August 2015, which took effect from 01.09.2015. However, since the date of application of the selected relevant provisions of the RFCTLARR Act, 2013 to the NH Act, 1956 was 01.01.2015 in terms of the Ordinance (Amendment) No.9 of 2014, it remains an unambiguous and accepted position that the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, relating to the determination of compensation in accordance with the First Schedule, rehabilitation and resettlement in accordance with the Second Schedule and infrastructure amenities in accordance with the Third Schedule have been made applicable to all cases of land acquisition under the NH Act, 1956, i.e. the enactment specified at Sr. No. 7 in the Fourth Schedule to the RFCTLARR Act, **with effect from 01.01.2015**."

5. It is submitted that the application of the writ petitioners was examined by the District Collector, Hanumakonda, but on the clarification from the Project Director, NHAI, PIU, Warangal, he has denied such claim for R&R Scheme under the Second and Third Schedules of the Act of 2013 for National Highways Projects vide memo dated 15.05.2023. This aggrieved the writ petitioners to approach

the learned writ court. However, the learned writ court relegated the writ petitioners to avail the remedy under Section 3G(5) of the Act of 1956, which, in the instant case, would not arise as there is no award in respect of the claims to which the writ petitioners are entitled under the Second and Third Schedules of the Act of 2013. Therefore, being aggrieved, three of the aggrieved writ petitioners have preferred this appeal.

6. Learned Additional Solicitor General of India appearing for respondents No.3 and 4 has fairly submitted that the clarification of the Project Director, NHAI, PIU, Warangal, referred to in the memo dated 15.05.2023 would not stand the test of legal scrutiny, in view of the extension of the benefits to the land losers under the Act of 1956 also, as applicable under the First, Second and Third Schedules of the Act of 2013. It is his submission that respondent No.7, who is the competent authority, may be directed to consider the claim of the appellants in accordance with law. It is also submitted that the appellants and others have got enhanced compensation as against acquisition of their land and structures standing thereupon and they do not have any grievance as against it.