

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

[3488]

**TUESDAY, THE ELEVENTH DAY OF AUGUST
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: 831 OF 2026

Writ Appeal under clause 15 of the Letters Patent Appeal preferred against the Order dated 07/04/2026 in W. P. No. 25680 of 20263. on the file of the High Court.

Between:

1. Ambala Jayavardhan, S/o late Mallaiah, Age. 53 years Occ. Kirana shop, R/o.Valbhapur village, Elkathurthy Mandal, Hanumakonda District, Telangana.
2. Ambala Ramjan, S/o late Rajaiah, Age. 50 years Occ. Agriculture, R/o.Valbhapur village, Elkathurthy Mandal, Hanumakonda District, Telangana.
3. Ambala Anuradha, W/o Venkataswamy, Age. 45 years Occ. Kirana shop, R/o.Valbhapur village, Elkathurthy Mandal, Hanumakonda District, Telangana.
4. Ambala Govardhan, S/o late Mallaiah, Age. 48 years Occ. Agriculture, R/o.Valbhapur village, Elkathurthy Mandal, Hanumakonda District, Telangana.

AND

...APPELLANTS /WRIT PETITIONERS 3,4,7&12

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 Addl 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

9. Maduri Thirupathi, S/o late Agaiah, Age. 50 years, Occ. Hotel Business, R/o. Suraram village, Elkathurthy Mandal, Hanumakonda District, Telangana.
 10. Ambala Kumaraswamy, S/o late Uppalaiah, Age. 55 years Occ. Lorry driver, R/o.Valbhapur village, Elkathurthy Mandal, Hanumakonda District, Telangana.
 11. Dulam Prabhakar, S/o late Narsaiah, Age. 58 years Occ. Agriculture, R/o.Valbhapur village, Elkathurthy Mandal, Hanumakonda District, Telangana.
 12. Dulam Sampath, S/o late Narsaiah, Age. 55 years Occ. Business, R/o.Valbhapur village, Elkathurthy Mandal, Hanumakonda District, Telangana.
 13. Manda Sadanandam, S/o late Mallaiah, Age. 45 years Occ. Toddy tapper, R/o.Valbhapur village, Elkathurthy Mandal, Hanumakonda District, Telangana.
 14. Sk.Shabeer, S/o late Shaik Vali Mohammed, Age 58 years.
 15. Sk.Sadhik, S/o.Late Shaik Vali Mohammed, Age 55 years,
 16. Sk.Nafeeja, W/o.Late Vali Mohammed, Age 45 years,
- All are agriculture, R/oSuraram Village, Elkathuruty Mandal, Hanmakonda District.
(Respondents No.9 to 16 are not necessary parties)

...RESPONDENTS /WRIT PETITIONERS

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 direct the respondents forth with consider the representation of writ petitioners dated by suspending order dated 07.04.2026 passed in W.P.No.25680 of 2023 while restoring the interim order dt.21.09.2023 pending disposal of the Writ Appeal

Counsel for the Appellant: SRI. GADDE ANILKUMAR

Counsel for the Respondent Nos. 1,2&5to8: GP FOR LAND ACQUISITION

**Counsel for the Respondent Nos. 3&4: SRI P. HARINATH GUPTA ,
SC FOR NHAI**

The Court made the following: ORDER

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.831 OF 2026

Dated: 11.08.2026

Between:

Ambala Jayavardhan,
S/o. late Mallaiah and 3 others

...Appellants

and

The State of Telangana,
Rep. by its Principal Secretary,
Revenue (LA & JA Department),
Secretariat Buildings, BRKR Bhavan,
Hyderabad and 15 others

...Respondents

JUDGMENT:

Heard Mr. Gadde Anil Kumar, learned counsel appearing for the appellants, Mr. E. Ramesh Chandra Goud, learned Government Pleader for Land Acquisition, appearing for respondent Nos.1, 2 and 5 to 8 and Mr. P. Harinath Gupta, learned Standing Counsel for National Highways Authority of India (NHAI), appearing for respondent Nos.3 and 4.

2. Four of the writ petitioners, out of twelve, are aggrieved by the impugned judgment dated 07.04.2026 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 official 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 sought direction to the official respondents to prepare the R&R Scheme and to extend the writ petitioners all the entitlements as provided in the Second and Third Schedules of the Act of 2013 before taking possession of their respective properties. In the writ proceedings, there was an interim order of *status quo* with regard to possession of the appellants over the subject

properties. 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 lands 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 29.08.2015 whereby the select provisions of RFTLARR 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 RFTLARR 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 RFTLARR 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, four of the aggrieved writ petitioners have preferred the instant appeal.

6. Learned Standing Counsel for NHAI appearing for respondent Nos.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 lands and structures standing thereupon and they do not have any grievance as against it.

7. Learned Government Pleader for Land Acquisition representing respondent No.7 submits that if a direction is issued upon the competent authority/Revenue Divisional Officer – cum – Land Acquisition Officer,

Hanumakonda. for consideration of the claim of the appellants towards R&R Scheme under the Second and Third Schedules of the Act of 2013, the same shall be considered in accordance with law.

8. During the course of hearing, learned counsel for the parties brought to the notice of this Court the judgment dated 16.04.2026 passed by this Court in W.A.No.434 of 2026, which was preferred by some of the writ petitioners. This Court, while setting aside the impugned judgment, granted liberty to the appellants therein to approach respondent No.7 therein, with a claim for entitlement towards R&R Scheme under the Second and Third Schedules of the Act of 2013. It was further directed that upon such application being made, respondent No.7 therein would take a decision in accordance with law within a period of eight weeks from the date of receipt of the copy of the judgment along with the application. This Court also took note of the submission made by the appellants therein that their houses have been demolished after passing of the impugned judgment and observed that it would be open for them to seek directions from the competent authority for providing temporary shelter in the meantime, which shall also be considered in accordance with law.

9. Upon hearing the learned counsel for the parties and after taking note of the facts and circumstances and the legal provisions referred to hereinabove, we are of the considered view that the land losers under the acquisition made in exercise of the powers under the Act of 1956 are entitled to the benefits which are available under the First, Second and Third Schedules of the Act of 2013, in view of the Government Order dated 28.08.2015 referred to hereinabove. The Ministry of Road, Transport and Highways has also issued the comprehensive guidelines in that regard. However, it appears that this aspect was not pointed out and missed by the learned writ Court while relegating the writ petitioners to the remedy under Section 3G(5) of the Act of 1956. The remedy under Section 3G(5) of the Act of 1956 would arise only in case the affected parties are aggrieved by the award made in respect of their claims under the Second and Third Schedules of the Act of 2013. In such circumstances, the impugned judgment warrants interference.

10. Accordingly, the impugned judgment is set aside. The appellants are granted liberty to approach respondent No.7 with a claim for entitlement towards R&R Scheme under the Second and Third Schedules of the Act of 2013. Needless to say, on such application being made, respondent No.7 would take a decision in accordance with law within a period of eight weeks from the date of receipt of a copy of

this judgment along with the application. Since the appellants contend that their houses have been demolished after passing of the impugned judgment, it would be open for them to seek directions from the competent authority for providing temporary shelter in the meantime, which shall also be considered in accordance with law.

11. The instant Writ Appeal stands disposed of accordingly. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

**SD/- MOHD. ISMAIL
DEPUTY REGISTRAR**

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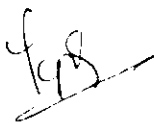


SECTION OFFICER

To,

1. The 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 Regional Officer, National Highway Authority of India, 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 Addl 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.
9. One CC to SRI. GADDE ANILKUMAR Advocate [OPUC]
10. Two CCs to GP FOR LAND ACQUISITION High Court for the State of Telangana, at Hyderabad [OUT]
11. One CC to SRI. P. HARINATH GUPTA, SC FOR NATIONAL HIGHWAYS AUTHORITY OF INDIA [OPUC]
12. Two CD Copies

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TKS



HIGH COURT

DATED: 11/08/2026

JUDGMENT

WA.No.831 of 2026



**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

(15)

For
18/8/26