

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

**FRIDAY, THE SEVENTH 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: 823 OF 2026

Writ Appeal under clause 15 of the Letters Patent Appeal Preferred Against the Order Dated 12-03-2026 in W.P.no39382 OF 2022 on the file of the High Court.

Between:

Biyya Lingaiah, S/o.Biyya Chandraiah, Aged about 60 years, Occ: Agriculture,
R/o.H.No.2-97, Itikyalapalle, Bachannapet Mandal, Jangoan District-506221,
T.S.

...APPELLANT /Writ Petitioner No.1 In W.P. No.39382/2022

AND

1. The Government of India, Represented by its Secretary, Ministry of Road Transport and Highways, Transport Bhavan, 1, Parliament Street, New Delhi.
2. National Highways Authority of India (NHAI), G5 and 6, Dabrigungaon, Rd Sector 10, Dwaraka, Delhi-110075, Represented by its Chairman.
3. The State of Telangana, Represented by its Secretary, Transport Department, Secretariat, Hyderabad
4. The Engineer-in-Chief, National Highways, Errum Manzil, Hyderabad.
5. The Revenue Divisional Officer, Jangoan, Jangoan District.
6. The Tahsildar, Bachannapet Mandal, Jangoan District.
7. The Gram Panchayat, Bachannapet village and Mandal, Jangoan District.

.....Respondents/Respondents

8. Kanraju Ravi, S/o.Kondaiah, Aged about 59 years, Occ Agriculture,
R/o.H.No.1-14, Nakkavanigudem, Itikyalapalle, Bachannapet Mandal Jangoan District-506221, T.S.

9. Gurrapu Ramesh, S/o.Venkataiah, Aged about 36 years, Occ Weaver, R/o.H.No.7-49, Gopalnagar, Chinna Ramancherla (V), Bachannapet Mandal Jangoan District-506221, T.S.
10. Mallam Balaswamy, S/o.Chandraiah, Aged about 37 years, Occ: Coolie, Bachannapet Village and Mandal, Jangoan District-506221, T.S.
11. Boorugu Bhaskar, S/o.Ravinder, Aged about 36 years, R/o.H.No.11-43/3, Bus stand Bachannapet Mandal, Jangoan District-506221, T.S.
12. Jilla Rajeshwar Rao, S/o.Buchaiah, Aged about 52 years, Occ: Business, R/o.Bachannapet Village and Mandal, Jangoan District-506221, T.S.
13. Bachannapet Mandal Welfare Association, (Regd.No 119/2025), Rep.by its Vice President. Telukanti Murali. S/o.Narsaiah. Aged about 59 years, Occ News Reporter. H.No.2-2, Alimpur Village, Bachannapet Mandal, Jangoan Dist., Telangana State-506221.

...RESPONDENTS/Writ Petitioners 2 to 7 in W.P. No.39382/2022

I.A. NO: 1 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 SUSPEND the operation of the Order dated 12.03.2026 in WP No. 39382 of 2022, passed by the learned Single Judge by allowing the writ appeal, pending disposal of main writ appeal.

**Counsel for the Appellant: SRI N.R.GOPINATH REPRESENTING
SRI. N R BHAGAVAN**

**Counsel for the Respondent No.1: SRI. N BHUJANGA RAO,
DEPUTY SOLICITOR GENERAL OF INDIA**

Counsel for the Respondent No.2: SRI S. VARMA, SC FOR NHAI

Counsel for the Respondent No.3 & 4: SRI S. VIVEK, AGP FOR TRANSPORT

Counsel for the Respondent No.5 & 6: GP FOR REVENUE

**Counsel for the Respondent No.7: SRI KISHORE RAO.P,
SC FOR GRAM PANCHAYAT**

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.823 of 2026

DATE: 07.08.2026

Between:

Biyya Lingaiah

....Appellant

And

The Government of India, rep.
by its Secretary, Ministry of
Road Transport and Highways,
and 12 others

....Respondents

JUDGMENT

Heard Sri B.Gopinath, learned counsel representing N.R.Bhagavan, learned counsel for the appellant; Sri N.Bhujanga Rao, learned Deputy Solicitor General of India appearing for respondent No.1 and Sri S.Vivek, learned Assistant Government Pleader for Transport appearing for respondent Nos.3 and 4 and perused the record.

2. This writ appeal is preferred under Clause 15 of the Letters Patent, against the order dated 12.03.2026 passed by the learned Single judge in W.P.No.39382 of 2022. By the said order, the learned Single Judge dismissed the writ petition filed by the

appellant herein, finding no illegality or arbitrariness in the acquisition process or the chosen alignment.

Factual matrix

3. The appellant is the owner and possessor of an extent of Ac.1.33 Gts. of land in Sy.No.583 of Bachannapet Village, which he claims to have purchased through registered sale deeds and to be in lawful possession thereof. It is asserted that he had constructed the house after obtaining permission from the Gram Panchayat.

4. The Central Government, *vide* notification dated 23.11.2016, declared the Suryapet-Arvapally-Jangaon-Duddeda-Siddipet-Sircilla road as National Highway No.365B. Subsequently, the authorities proposed a bypass road for the Duddeda-Jangaon stretch. The impugned notification under Section 3A of the National Highways Act, 1956 (for short 'NH Act'), was issued on 30.06.2022. The appellant submitted multiple representations objecting to the proposed alignment, contending that it would pass through the middle of the Village, affect nearly 250 houses and disrupt access to public offices and schools. The appellant also contended that the lands had been incorrectly classified as agricultural lands, though they comprised residential plots.

5. The respondents defended the impugned action stating that the alignment had been finalised on the basis of a techno-feasibility survey, that the revenue records classified the subject lands as agricultural land and that a joint inspection had confirmed that no dwelling houses fell within the proposed alignment. The respondents further asserted that the project formed part of a major infrastructure initiative, that approximately 90% of the work had already been completed and that any alteration of the alignment at that stage would be impractical and contrary to public interest.

6. After hearing the parties, the learned Single Judge dismissed the writ petition, observing that matters relating to highway alignment involve technical expertise and that Courts ought not ordinarily to interfere with such decisions. The learned Single Judge further observed that the allegations of *mala fides* were not substantiated and that the record disclosed that the lands in question were classified as agricultural lands. The learned Single Judge also held that the alleged structures, having been raised without the requisite statutory approvals, could not be accorded legal sanctity.

7. Aggrieved by the said order dated 12.03.2026 of the learned Single Judge, the appellant has preferred the present Writ appeal.

Submissions on behalf of the appellant

8. Learned counsel appearing for the appellant assailed the impugned order and has advanced the following submissions:

- i) That the learned Single Judge erred in accepting the respondents' contention that no dwelling houses fall within the proposed alignment. The appellant has placed on record documentary evidence, including registered sale deeds, Gram Panchayat permission to demonstrate the existence of residential plots and houses.
- ii) That the learned Single Judge ought to have appreciated that the absence of Director of Town and Country Planning (DTCP) approval, by itself, does not disentitle the appellant from challenging the deprivation of their property under Articles 21 and 300-A of the Constitution. The appellant is *bona fide* purchaser and claims to have been in lawful possession and enjoyment of his respective lands and house plot.
- iii) That the proposed road cannot be treated as a true bypass, as the alignment passes through the residential and public utility areas of the Village and would divide the Village into two parts. It was further submitted that alternative

alignments were available and would cause comparatively lesser hardship to the residents and landowners.

- iv) That the principle of judicial deference to technical decisions relating to highway alignment, as enunciated by the Hon'ble Supreme Court in ***Union of India v. Kushala Shetty***¹, would not apply to the facts of the present case, as the appellant contended that the impugned alignment is arbitrary, actuated by *mala fides* and influenced by extraneous considerations, including alleged benefit to certain fuel stations.

Submissions on behalf of the respondents

9. Per *contra*, learned Deputy Solicitor General of India and learned Assistant Government Pleader appearing for the respondents advanced the following submissions:

- i) That the acquisition proceedings and the proposed alignment were finalised after due consideration of techno-feasibility studies and the recommendations of the technical authorities. Three alternative alignments were examined and having regard to the safety concerns arising from the sharp 90-degree curve within Bachannapet Village, Option No.1 was approved by the competent authority, namely, the

¹ 2011 AIR SCW 4460

Additional Director General (Zone-II), Ministry of Road Transport and Highways.

- ii) That the allegations of *mala fides* and extraneous considerations are baseless and unsupported by any cogent or credible material. Mere allegations of *mala fides*, without substantive evidence, cannot furnish a ground for interference with a decision taken by the competent technical authorities.
- iii) That the joint inspection conducted by the Tahsildar along with the officials of the National Highway Department confirmed that no dwelling houses fall within the proposed alignment. The subject lands are classified as agricultural lands in the revenue records and the plot claimed by the appellant forms part of an unapproved layout.
- iv) That the permission allegedly granted by the Gram Panchayat cannot confer legal validity upon the constructions, as the requisite technical approval from the competent planning authority namely the DTCP, was not obtained. The respondents contended that in the absence of the necessary statutory approvals, the alleged structures cannot be recognised as lawful residential structures.

- v) That approximately 90% of the project work has already been completed, leaving only a stretch of about 1.95 Km pending on account of the interim orders passed by this Court. At this stage, alteration of the alignment is neither technically feasible nor in the public interest and continued stoppage of the remaining stretch is causing inconvenience to the public and loss to the public exchequer.

10. We have taken note of the respective contentions urged and perused the material on record.

Consideration by this Court

11. The central issue is whether the proposed alignment, which the appellants claim passes through their residential plots, is arbitrary and illegal. A review of the record reveals that the respondent authorities followed a process of technical evaluation before finalising the alignment. Three alternative proposals were suggested by the consultant to address a sharp 90-degree curve which posed safety concerns. Upon consideration of the alternatives, Option No.1 was finalised by the competent authority, namely, the Additional Director General (Zone-II), Ministry of Road Transport and Highways. The record does not disclose any procedural irregularity in the decision-making process.

12. It is pertinent to note that the appellant's contention regarding the nature of the land is unsubstantiated. The respondents have consistently stated that the land in Sy.No.583 is recorded as agricultural land in the revenue records. While the appellant has produced registered sale deed. The sale transactions and the description of the property in the sale deed do not, by themselves, alter the classification of the land in the revenue records. The learned Single Judge rightly noted that in the absence of conversion of agricultural land for non-agricultural purposes and the requisite approval from the competent planning authority, the alleged construction could not be recognised as lawful residential structure. The permissions allegedly granted by the Gram Panchayat, in the absence of the requisite prior technical approval, could not by themselves confer legal validity upon such construction. Therefore, the appellant cannot claim that his alleged unapproved plot or construction, merely by virtue of the registered sale deed or Gram Panchayat permission, acquired the legal status of approved residential property.

13. Furthermore, the specific contention that nearly 250 houses would be demolished is not borne out by the material relied upon by the respondents. The Structure Report dated 06.09.2022, the Tahsildar's verification reports and the counter-affidavits of the

Revenue Divisional Officer (RDO) record that the relevant lands are open/vacant plots and that no dwelling houses fall within the proposed alignment. The appellant has not placed any cogent material before us sufficient to displace the said inspection reports or establish that dwelling houses fell within the proposed alignment.

14. It is settled law that decisions relating to the alignment of national highways, involving complex technical and engineering considerations, are matters ordinarily entrusted to the expertise of the competent authorities. The Hon'ble Supreme Court, in **Soma Isolux NH One Tollway Private Limited v. Harish Kumar Puri and others**² has held that the Court cannot sit over the decision of experts in respect of road alignment. The scope of judicial review in such matters is, therefore, limited to examining whether the decision-making process is arbitrary, actuated by *mala fides* or contrary to statutory provisions. The learned Single Judge, in our considered view, rightly applied the aforesaid principle.

15. Moreover, this Court is also not persuaded by the contention of the appellant that the aforesaid principle of judicial restraint has no application on account of the alleged *mala fides*. A mere allegation that the proposed alignment was intended to benefit a

² (2014) 6 SCC 75

particular fuel station, in the absence of credible material in support thereof, cannot furnish a basis for judicial interference. The record discloses that the project forms part of the larger infrastructure initiative for development of NH-365B and that the project had substantially progressed, with approximately 90% of the work having already been completed. The appellant has not placed any material before us sufficient to establish that the alignment was finalised for any extraneous consideration or that the decision-making process was actuated by *mala fides*.

16. It is to be noted that the record discloses that the respondents proceeded in accordance with the statutory scheme under the NH Act. A notification under Section 3A was issued, objections were invited from the affected persons and were considered by the competent authority. The objections were thereafter rejected by proceedings dated 14.11.2022, wherein it was stated that alteration of the alignment was not technically feasible and that compensation would be paid in accordance with law. Subsequently, the declaration under Section 3D was issued. The learned Single Judge, upon consideration of the material on record, has rightly found no demonstrable violation of the mandatory procedural requirements under the Act.

17. The appellant has also raised certain objections regarding the description of the lands and the particulars of the affected landowners in the subsequent proceedings. However, such objections, in the absence of any material demonstrating that the subject lands were incapable of identification or that the alleged discrepancies caused any prejudice to the appellants in the acquisition proceedings, cannot by themselves invalidate the acquisition undertaken for a public purpose.

18. The appellant's contention that the proposed road cannot be regarded as a bypass on the ground that the alignment passes through the Village essentially amounts to a challenge to the technical determination of the alignment. It is also contended that the alignment passes through the central residential area of Bachannapet Village, the respondents maintain that it passes through the outskirts of the Village and that the lands falling within the alignment are agricultural and largely vacant. However, a perusal of the record discloses that having regard to the sharp 90-degree curve within the Village limits and the attendant safety concerns, three alternative alignments were examined by the consultant, out of which Option No.1 was ultimately approved by the competent authority. In the absence of any cogent material establishing that the selection of the said alignment was arbitrary, actuated by *mala fides* or contrary to the applicable norms, this

Court cannot substitute its own assessment for that of the competent technical authorities.

Conclusion

19. For the foregoing reasons, this Court is of the considered view that the decision relating to the alignment was taken by the competent technical authorities upon due consideration of the relevant technical aspects and in accordance with the applicable statutory framework. The appellants' claims of *mala fides* and illegality having remained unsubstantiated, the order dated 12.03.2026 passed by the learned Single Judge in W.P. No.39382 of 2022 does not warrant interference in the present appeal.

20. Accordingly, the Writ Appeal is dismissed. The order dated 12.03.2026 passed by the learned Single Judge in W.P.No.39382 of 2022 is hereby affirmed.

As a sequel, miscellaneous petitions, pending if any, stand closed. No costs.

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**SD/- K.AMMAJI
DEPUTY REGISTRAR**

SECTION OFFICER

To,

1. One CC to SRI. N R BHAGAVAN, Advocate [OPUC]
2. One CC to SRI. N BHUJANGA RAO, Deputy Solicitor General of India Advocate [OPUC]
3. One CC to SRI S. VARMA, SC FOR NHAI, Advocate [OPUC]
4. Two CCs to GP FOR TRANSPORT ,High Court for the State of Telangana At Hyderabad. [OUT]
5. Two CCs to GP FOR REVENUE ,High Court for the State of Telangana At Hyderabad. [OUT]

6. One CC to SRI KISHORE RAO.P, SC FOR GRAM PANCHAYAT [OPUC]

7. Two CD Copies

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TKS

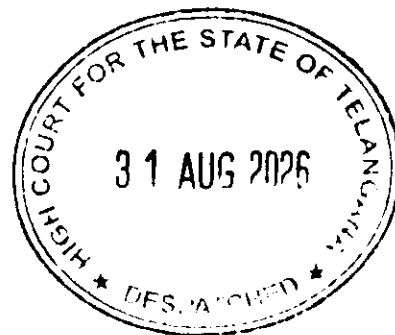


HIGH COURT

DATED: 07/08/2026

JUDGMENT

WA.No.823 of 2026



**DISMISSING THE WRIT APPEAL
WITHOUT COSTS**

① NP

20/8/26