HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 397 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 13/03/2025 in I.A. No. 2 OF 2024 in W.P. No. 22802 of 2024 on the file of the High Court.

Between:

1. Muvva Jyothi, w/o. Nagaeswara Rao, Occ. House wife, Aged 50 Years, R/o. 5-1-505, Kaviraj Nagar, Khammam, representing Petitioners 2 to 10.
2. Kadiyala Venkateswarlu, c/o. Buchaiah, Occ. Business, Aged 68 Years, R/o.1-20,Tripurapentaveedu (V), Yetapaka (M), Alluri Sitharamaraju (D), Andhra Pradesh-507134,
3. Chava Rama Linga Vara Prasad, S/o Narsaiah, Aged 69 Years, Occ. Business, R/o 401, Brundavana Apartments, Radha Krishna Nagar, Rotary Nagar, Khanapuram Haveli, Khammam507002.
4. Regalia Raja Reddy, C/o. Regalia Ranga Reddy, Aged 56 years, Occ. Business, R/o. B-3-945 / 407, Srinilaya Enclave, Yellareddy guda, Hyderbad-50073.
5. Sayed Shahira, W/o.Sadhik, Aged 35 Years, Occ. House wife, R/o 8-2-23, Golla bazar, Bhadrachalam 507111.
6. Mohammad Fouzia Parveen, W/o. Afsar, Aged 54 Years, Occ. Business, R/o.15-5-62, Indira Nagar Colony, Khammam - 507 002.
7. Alla Rama Rao, S/o.Narayana, Aged 67 Years, Occ. Business,R/o.7-3-421/1, Vijaya Nagar Colony, Khanapuram Haveli, Khammam-507002.
8. B. Lakkineni Satyanarayana, S/o. Kishaiah, Aged 70 Years, Occ. Business, R/o 5-33/1, Kalluru, Khammam - 507209
9. Vadlamudi Vijay, S/o. Rama Rao, aged 35 Years, Occ. Business, R/o. 6-3-307/1, Bank Colony, Khanapuram Haveli, Khammam -507002.
10. Macha Ramesh, C/O Chalamaiah. Aged 56 Years, Occ. Business, R/o. 7-3-301/2, Flat No.302, Dwaraka Nagar, Khammam-507002

...APPELLANTS

AND

1. The Union of India, Ministry of Road Transport and Highways, New Delhi.
2. The Union of India, Ministry of Environment, Forest and Climate Change, New Delhi.
3. National Highways Authority of India, G-5 and 6, Sector-10, Dwaraka, New Delhi -110075.
4. The Regional Officer, National Highways Authority of India, Plot No. 94. Road No. 2, Sagar Society, Banjara Hills, Hyderabad, 500 034.
5. Project Director, Project Implementation Unit I, National Highways Authority of India, D.No. 611116189, mamata Hospital Road, Beside Krishnaveni College, Khammam - 507002.

...RESPONDENTS

IA NO: 2 OF 2025

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 impugned Order Dt. 13/3/2025 passed in IA. No.2 of 2024 in WP no. 22802 by the learned Single Judge of this Hon'ble Court until disposal of the main appeal.

Counsel for the Appellant: SRI J. PRABHAKAR, SENIOR COUNSEL FOR SRI E. HARI BABU

Counsel for the Respondents No.1 & 2: SRI B. MUKHERJEE, REPRESENTING SRI GADI PRAVEEN KUMAR, DEPUTY SOLICITOR GENERAL OF INDIA

Counsel for the Respondent Nos.3 to 5: SRI PADMA RAO LAKKARAJU, S.C. FOR NHAI

The Court made the following: JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.397 of 2025

JUDGMENT: *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*

Sri J.Prabhakar, learned Senior Counsel appearing for Sri E.Hari Babu, learned counsel for the appellants; Sri B. Mukherjee, learned counsel representing Sri Gadi Praveen Kumar, learned Deputy Solicitor General of India, for respondent Nos.1 and 2 and Sri Padma Rao Lakkaraju, learned Standing Counsel for National Highways Authority of India (NHAI), for respondent Nos.3 to 5.

2. With the consent, finally heard.

3. This intra-Court appeal takes exception to the interim order passed by the learned Single Judge in I.A.No.2 of 2024 in W.P.No.22802 of 2024 dated 13.03.2025 whereby the *ex parte* interim order granted by the Writ Court on 21.08.2024 was vacated by the learned Single Judge.

4. Learned Senior Counsel for the appellants submits that although the impugned order is an interlocutory order, it has a

final impact on the appellants and therefore, the intra-Court appeal is, indeed, maintainable. He submits that the matter pertains to construction of Highway between Nagpur and Vijaywada. Initially, the concerned Collector recommended for change of alignment for the proposed four line National Highway, but, since it was not considered, the learned Single Judge by *ex parte* interim order directed to maintain *status quo*. The said position was sought to be clarified by a letter dated 01.02.2024 addressed by the concerned Principal Secretary to the Chairman, NHAI. On the basis of this clarification alone, the *ad interim* order was vacated. The appellants had also pressed the grounds relating to vagueness of notification and absence of environmental clearance which points have not been considered by learned Single Judge while vacating the interim order. Learned Senior Counsel for the appellants placed reliance on **Kolkata Municipal Corporation v. Bimal Kumar Shah**[1] in support of his submissions.

5. Learned Standing Counsel for NHAI supported the impugned order and urged that the project is of the year 2019. There is

[1] (2024) 10 SCC 533

already a delay in execution of the project because of *ex parte* interim order. Needless to emphasise that it involves escalation of prices and is not in public interest. Against the interlocutory order, the writ appeal is not maintainable.

6. The parties have confined their arguments to the extent indicated above and no other point is pressed.

7. We have heard the learned counsel for the parties at length.

8. The *ad interim* order granted by the learned Single Judge on 21.08.2024 shows that it was solely based on the recommendation of the Collector relating to alignment. The impugned order of vacation of the interim order shows that the issue of alignment was not pressed by the learned counsel for the appellants. Similarly, whether other points in support of continuance of interim order, namely vagueness of notification and absence of environment clearance, were raised or not can be remembered and considered by the same Bench.

9. Thus, we find no reason to entertain this intra-Court appeal and deem it proper to dispose of this writ appeal by reserving

liberty to the appellants to file appropriate application for continuance of interim order/review of the impugned order.

10. With the aforesaid observations and without expressing any opinion on the merits of the case, the writ appeal is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/-K.SAILESHI
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Union of India, Ministry of Road Transport and Highways, New Delhi.
2. The Union of India, Ministry of Environment, Forest and Climate Change, New Delhi.
3. The National Highways Authority of India, G-5 and 6, Sector-10, Dwaraka, New Delhi -110075.
4. The Regional Officer, National Highways Authority of India, Plot No. 94, Road No. 2, Sagar Society, Banjara Hills, Hyderabad, 500 034.
5. The Project Director, Project Implementation Unit I, National Highways Authority of India, D.No. 611116189, mamata Hospital Road, Beside Krishnaveni College, Khammam - 507002
6. One CC to SRI E. HARI BABU, Advocate [OPUC]
7. One CC to SRI GADI PRAVEEN KUMAR, Deputy Solicitor General of India [OPUC]
8. One CC to SRI PADMA RAO LAKKARAJU, S.C. for NHAI [OPUC]
9. Two CD Copies

MP
LS

HIGH COURT

DATED:21/04/2025



JUDGMENT

WA.No.397 of 2025

DISPOSING OF THE WRIT APPEAL WITHOUT COSTS

(11)

28/4/25