HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY ,THE THIRTIETH DAY OF JUNE TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL AND THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 544 OF 2025

Writ Appeal under clause 15 of the Letters Patent Appeal Filed Against the order Dated-03/02/2025 in wit petition No.34373 of 2024. on the file of the High Court.

Between:

National Highways Authority of India, Project Implementation Unit-Gajwel H. No. 11-173/A, Sri Shivaparvathi Nilayam, Sangapur Road Gajwel-502278

...APPELLANT/PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue (Endowments) Department, Secretariat, Hyderabad, Telangana State.
2. The Commissioner, Endowment Department Telangana State, situated at Bogulkunta, Tilak Road, Hyderabad, Telangana-500001.
3. The Assistant Commissioner, Endowment Department, Sangareddy District

...RESPONDENTS/RESPONDENTS

IA NO: 1 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 grant permission to the Petitioner herein to acquire the Endowment lands in Sy No.73 to an extent of Ac 2-05 Gts situated at Irigipally Village, Sangareddy District and Ac 0-31 Gts in Sy No. 313 situated Tadlapalle Village, Sangareddy Mandal and District, pending disposal of the present writ appeal, in the interest of justice

Counsel for the Appellant: SRI. MADISHETTY RAMU (SC FOR NHAI)
Counsel for the Respondents: SRI BHUKYA MANGILALA NAIK, GP FOR ENDOWMENTS

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.544 OF 2025

JUDGMENT: *(Per Hon'ble Smt. Justice Renuka Yara)*

Heard Sri M. Ramu, learned Standing Counsel for National Highways Authority of India, for the appellant and Sri Bhukya Mangilal Naik, learned Government Pleader for Endowments for the respondents. Perused the record.

2. Heard the Writ Appeal with consent of both counsels. Both counsels agreed that the Writ Appeal be disposed off in terms of the order passed by this Division Bench in W.P.No.10964 of 2022, dated 08.09.2022.

3. This is an intra-court appeal preferred by the appellant/petitioner aggrieved by the order passed by the learned Single Judge in W.P.No.34373 of 2024, dated 03.02.2025, wherein, the relief sought for grant of permission to acquire the land in Sy.No.73 to an extent of Ac.2.05 gts., situated at Irigipally Village, Sangareddy District and in Sy.No.313 to an extent of Ac.0.21 gts., situated at Tadlapalle Village, Sangareddy Mandal and District, belonging to respondent Nos.1 to 3 for the purpose of laying National Highway connecting from Girmapur Village (on NH65 at Chainage Km. 492 + 200) in Sangareddy District to Choutuppal (on NH 65

Chainage Km 55 + 400) in Yadadri Bhuvanagiri District via Medak and Siddipet Districts, has been declined.

4. The appellant filed writ petition seeking permission to acquire lands from Endowments Department for the purpose of laying National Highway between Sangareddy District and Yadadri Bhuvanagiri District as described. The learned Single Judge was apprised of the order of a Division Bench of this Court in W.P.No10964 of 2022, dated 08.09.2022 as well as the order in W.P.M.P.No.13204 of 2006 in W.P.No.10547 of 2006, dated 30.05.2006. This Court after taking stock of the manner in which temple lands were sold has given the following order in W.P.M.P.No.13204 of 2006 in W.P.No.10547 of 2006 on 30.05.2006:

> *"that there will be stay of all further proceedings in relation to the acquisition of the lands belongs to the temples all over the state, at whatever stage they are and any deviation, in this regard, would be treated as contempt of court".*

5. Subsequently, a Division Bench of this Court in W.P.No.10964 of 2022 dated 08.09.2022 in similar facts situation has passed the following order:

> *"4. It is submitted that before filing the present writ petition, petitioner had approached the Endowments Department for initiation of land acquisition proceedings to which the said Department has given 'no objection' to approach the Court in terms of the order dated 30.05.2006.*

5. Having regard to the above, we grant permission to the petitioner for passing an award in terms of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act (Act 30 of 2013) as amended by the State of Telangana by Act 21 of 2017. Petitioner shall ensure that due compensation in terms of the aforesaid Act is paid to respondent No.5, which shall be deposited in the account of respondent No.5. Thereafter, it would be open for respondent No.5 to keep the said amount in an interest bearing Fixed Deposit."

6. On the basis of the above, similar orders were also passed in W.P.Nos.1767 of 2021, 26755 of 2021, 10964 of 2022, 29676 of 2021, 42198 of 2022, 22257 of 2022 and 10332 of 2024. All the orders were placed before the learned Single Judge for his perusal. In the aforementioned writ petitions, this Court had granted permission to acquire land by the Government for various purposes.

7. In the instant case, the land in question which was required for laying National Highway belongs to respondent Nos.1 to 3 i.e. Endowment Department. When the appellant sought no objection to acquire the land, the respondent Nos.1 to 3 have given no objection for said acquisition subject to payment of fair compensation as contemplated under Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act (Act 30 of 2013). When the fact situation was similar and several orders of this Court were placed before the learned Single judge, the learned

Single Judge while relying upon the order passed by this Court in W.P.M.P.No.13204 of 2006 in W.P.No.10547 of 2006 dated 30.05.2006, completely ignored the orders passed by this Court in W.P.Nos.1767 of 2021, 26755 of 2021, 10964 of 2022, 29676 of 2021, 42198 of 2022, 22257 of 2022 and 10332 of 2024. Since there is already a precedent of granting permission for acquisition of temple lands, when proper cause is shown, coupled with no objection certificate from the owners/respondent Nos.1 to 3 concerned, that too when the permission is sought by the Department of a Government, there is no reason to deviate from the same in the instant case.

8. The learned Single Judge for the reasons best known without giving reasons as to why permission has to be denied in the face of orders passed by this Court in various writ petitions since 2021 to 2024 has erroneously denied permission and therefore, said order is liable to be set aside.

9. In the result, the writ appeal is allowed setting aside the impugned order passed by the learned Single Judge in W.P.No.34373 of 2024, dated 03.02.2025 and permission is granted to the appellant to acquire the land in Sy.No.73 to an extent of Ac.2.05 gts., situated at Irigipally Village, Sangareddy District and in Sy.No.313 to an

extent of Ac.0.21 gts., situated at Tadlapalle Village, Sangareddy Mandal and District. There shall be no order as to costs.

Miscellaneous applications, if any, pending in this appeal, shall stand closed.

SD/-M.RAMANA KRISHNA
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Endowments) Department, Secretariat, Hyderabad, Telangana State.
2. The Commissioner, Endowment Department Telangana State, situated at Bogulkunta, Tilak Road, Hyderabad, Telangana-500001.
3. The Assistant Commissioner, Endowment Department, Sangareddy District
4. The Section Officer, Writ Division Bench, Section High Court for the State of Telangana, Hyderabad
5. The Section Officer, Posting Section , High Court for the State of Telangana , Hyderabad
6. One CC to SRI. MADISHETTY RAMU (SC FOR NHAI) [OPUC]
7. Two CCs to GP FOR ENDOWMENTS ,High Court for the State of Telangana at Hyderabad [OUT]
8. Two CD Copies

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HIGH COURT

DATED:30/06/2025



JUDGMENT

WA.No.544 of 2025

ALLOWING THE WRIT APPEAL WITHOUT COSTS

(1) MT
11/7/25