

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION No. 22334 of 2015

BETWEEN

Banala Venkata Ramaiah

... PETITIONER

AND

The State of Telangana, Rep. by its Principal Secretary,
Revenue Department and others

...RESPONDENTS

Date of Order pronounced: 24.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

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ORDER:-

Heard learned counsel for the petitioner; learned Government Pleader appearing for respondents 1 and 2; learned Government Pleader for Panchayat Raj appearing for respondents 3 and 4 and Mr. G. Mohan Rao, learned counsel representing respondent No.5. All the respondents have filed their counter affidavits. Hence, the writ petition is heard at the admission stage.

2. Petitioner states in the affidavit that he is the owner and possessor of land to an extent of Ac.2-10 guntas in survey No.550, 550/EE, 551/EE situated at Chivvemula Village, Nalgonda District. Petitioner claims that his name is mutated in the revenue record and he holds pattadar passbooks and title deeds. It is further stated that the fifth respondent under the guise of some work allegedly issued by respondents 2 to 4 tried to dispossess the petitioner from his land for laying a road of about 30 feet from Suryapet to Khammam Main Road to Munya Naik by utilizing the land of the petitioner. The present writ petition is filed alleging that the respondents are not following due procedure under law and are not entitled to take any portion of the land aforesaid.

3. In response to the notice issued, the third respondent filed a counter affidavit denying that he is not in any way concerned with any such road work and specifically stated that neither the third respondent nor the Gram Panchayat are in any way involved with any laying of road work in any form as alleged by the petitioner.

4. The fourth respondent has filed a separate counter affidavit stating that the road aforesaid is existing as WBM (Wet Bituminous Macadam) road since 20 years and under G.O.Ms.No.36 dated 30.12.2014, administrative sanction was granted for upgrading the road up to BT Standards and various proposals giving administrative sanction were approved by the Government. It is in pursuance of the said sanction the work of upgrading the WBM Road to BT Road is entrusted to the fifth respondent. However, the allegation of the petitioner is denied and it is specifically stated that no land acquisition is permitted for formation of roads by the Panchayat Raj, Engineering Department and since the road was existing as WBM, no new formation is

taken up in the agricultural land of the petitioner.

5. In support of the said contentions, learned standing counsel appearing for the fourth respondent has filed copies of the measurement books showing that the laying of the road was taken up in 1994-95 and further repairs to that road was also taken up somewhere in 2013-14. Learned counsel would further submit that the respondents are only upgrading the road as BT Road in terms of the sanction granted by the Government under G.O.Ms.No.36 Panchayat Raj & Rural Development (Progs.I) Department dated 30.12.2014 referred to above.

6. The fifth respondent has also filed a separate counter wherein it is stated that the work involves strengthening of the existing metal road and making it a BT Road. It is stated that the length of the road is 3.2 Kms and no proposal for acquisition of any land is involved. It is further stated that the existing road, being in existence for a long time, only strengthening of the existing metal road by making the same as BT road is taken up by the fifth respondent on behalf of the fourth respondent.

7. Evidently, therefore, the apprehension of the petitioner that his land is being taken up for widening and that there is threat of dispossession etc. are factually incorrect and as stated in the counter affidavits, referred to above, the work of strengthening and black toping the existing road does not involve acquisition of any land of any private party.

Recording the same writ petition is disposed of. Respondent Nos.4 and 5 are at liberty to complete the work for upgrading and black topping of existing road strictly in accordance with G.O.Ms.No.36 dated 30.12.2014 referred to above.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

August 24, 2015
LMV