

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

P.I.L No. 256 OF 2015

03-11-2015

Between:

Yaka Satyanarayana,
East Godavari District.

... Petitioner

And

State of Andhra Pradesh,
Rep. by its Principal Secretary,
(Municipal Administration & Urban Development),
Secretariat, Hyderabad, and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

-

P.I.L No. 256 OF 2015

-

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

The petitioner, in the instant petition, seeks the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an Order or a Direction or a Writ more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents 1 to 4 herein in not widening the 17/8 km Kathipudi – Pamarru Road in Pithapuram Town, East Godavari District by removing the municipal shops adjacent to the road even after the resolution passed by the Pithapuram Council as per its preamble dt. 16.6.2015 as arbitrary, autocratic, ultravires and against to the principles of natural justice and consequently direct the respondents 1 and 4 herein to widen the existing 17/8 Km Kathipudi – Pamarru road with central median to avoid traffic congestion and accidents in Pithapuram Town, East Godavari District in the interests of justice and pass such other order or orders as this Hon'ble Court deems fit and proper under the circumstances of the case.”

The respondent – Municipal Council has filed counter affidavit and in paragraph 7 thereof, they have stated thus:

“I submit that the shops were vacant since 29.07.2015. I submit that as opined by the 4th respondent herein the structures are fair even though the structures are old to be continued this Respondent may get an income more than Rs.2,00,000/- per annum by conducting public Auction in respect of Lease Hold Rights of the shops. I submit that still at the Cinema Centre where the existing shops are located needs more widen of the Road to be done by the 4th Respondent herein since the road is R & B Road vested with the 4th Respondent herein. I submit that this Respondent has no objection for demolition of the existing shops whenever the 4th Respondent proposed to widen the Kathipudi – Pamarru R&B Road since the widening of the Road is for public purpose this Respondent is always ready to co-operate such public purpose. It is relevant to submit here that the present petition filed by the Ex-Councilor seeking implementation of the resolutions passed by this Respondent, as such this Respondent has to honour its own Resolution or to defer the same it has to resolve afresh for that the Council meeting was called upon on 07.11.2015.”

In view of the statement made on affidavit by the respondent-Municipal Council, Sri B. Devanand, learned Government Pleader, on instructions, submits that respondent No.4 – Executive Engineer shall complete the construction of road including demolition of shops within a period of four weeks from today. His statement is recorded and accepted.

In view thereof, learned counsel for the petitioner does not press this PIL.

PIL is disposed of as not pressed. It is needless to mention that respondent No.4 shall complete the construction of the road within the aforementioned period.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

03.11.2015

va