

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.32086 OF 2012

ORDER:

Petitioner filed this writ petition seeking to issue a *writ of mandamus* declaring the action of the respondents in laying road in the land of the petitioner covered by Sy.No.11/2B, 2A of Akkarampalli Village, as being illegal, arbitrary and consequently direct the respondents to acquire the land to the extent the road was formed in Sy.No.11/2B, 2A of Akkarampalli Village, under the provisions of the Land Acquisition Act and pay compensation him.

2. Learned counsel for the petitioner stated that 2nd respondent has laid 100 feet road in petitioner's patta land and deprived him of his right to enjoy his property and it is in clear violation of Article 300-A of the Constitution and the 2nd respondent even either paid compensation to the petitioner under the provisions of the Land Acquisition Act.

3. Counter affidavit is filed by the 2nd respondent-Tirupati Urban Development Authority denying the allegations made by the petitioner. Para 4 of the counter reads thus:-

“4) It is submitted that in the Master Plan approved by the Government in GO Ms.No.1178, dated 6-11-1981, there is a proposal for 100 feet wide road passing through the lands in Sy.No.11/2, B/2A of the petitioner. It is submitted that the allegation that this respondent is forming the said 100 feet road through the petitioner's land is absolutely false. It is submitted that the 100 feet road is part and parcel of the land

in the layout of the Upadhayaya Nagar, formed towards north of the petitioner lands. The land required for forming the road have been gifted by the society to the local authority. It is submitted that the allegation that in order to facilitate the colonies formed towards north of the petitioner lands, a 100 feet road is formed by this respondent from south to north in petitioner's lands is absolutely false. It is submitted that this respondent has not initiated any action to lay 100 feet road in petitioner's land and this respondent by its acts never deprived the petitioner from enjoyment of his land. It is submitted that the petitioner made all false allegations against this respondent to have a wrongful gain by seeking direction to initiate land acquisition proceedings for the already existing road in his land."

4. In view of the categorical averments made in the counter affidavit filed by the 2nd respondent that no steps are being taken, for the present, to lay 100 feet road in petitioner's lands, muchless depriving him of his property and in case they need petitioner's land for road widening, they would follow the due process of law, the writ petition is disposed of recording the said averments made in the counter affidavit by the 2nd respondent. Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. No order as to costs.

A.RAJASHEKER REDDY, J

Dated: 21.09.2015

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