

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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WRIT PETITION NO.35683 OF 2012

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ORDER:

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“... to declare the action of the respondents in trying to lay the road fin the petitioners land in Sy.No.128-1 admeasuring Ac.1.174 cents situated at Anupalli village, Ramachandrapuram Mandal, Chittoor District for widening of the road by existing road between Anupalli and Arigirivaripalli (Panabakam) without acquiring the land of the petitioners and the Government poramboke land is available on the other side of the road as illegal, arbitrary and consequently direct the respondents not to lay any road in the land of the petitioners...”

2. Heard Mr.C.H.Srinivas, learned counsel appearing for the petitioners and the learned Government Pleader for Roads & Buildings.

3. This Court on 20-11-2012 granted interim order directing the respondents not to lay any road upon the patta lands of the petitioners, either by way of fresh formation or expansion, without following the procedure prescribed by law.

4. Respondents 1,3 and 4 filed counter affidavit. In the said counter affidavit, paras 5 to 8 read thus:

“In reply to para No.4 of the writ affidavit, it is submitted that the (R & B) Department is improving the existing earthen road into Black top road and the petitioners land in Survey No.128/1 is not required for the road work. The Tahsildar, Ramachandrapuram has stated that the road is passing in Government land i.e., Survey No.129/1 only not in petitioners land in Survey No.128/1, the same is filed as annexure to this counter affidavit. The petitioner is not being dispossessed from his land.

In reply to para No.5 of the writ affidavit, it is submitted that the (R & B)

Department is improving the existing earthen road by black topping and department has no intention to enter in petitioners land. The Tahsildar, Ramachandrapuram, has stated that the road is passing in Government land i.e., Survey No.129/1 only and not in petitioners land Survey No.128/1 as alleged.

In reply to para No.8 of the writ affidavit, it is submitted that the (R & B) Department is forming on existing earthen road into black top road and department has no intention to enter in petitioners land. The Tahsildar, Ramachandrapuram, has stated that the road is laying Government land i.e., Survey No.129/1 only not in petitioners land Survey No.128/1 as alleged.

In reply to Para No.9 of the writ affidavit, it is submitted that the Tahsildar, Ramachandrapuram has informed that the road is being laid in Survey No.129/1 i.e., Government land only not in petitioners land Survey No.128/1. It is submitted that the department is not at all forming road in petitioners land in Survey No.128-1. The department is only improving the existing earthen road into black top surface in Survey No.129/1 Government land and no way interfering the petitioners land.”

While referring to the contents of above paras, it is submitted by the learned counsel for the petitioners that by recording the same, the writ petition may be disposed of with a direction to the respondents herein not to lay any road upon the patta lands of the petitioners except in accordance with law. The same is not opposed by the learned Government Pleader for Roads & Buildings.

5. In view of the above, the writ petition is disposed of directing the respondents herein not to lay any road upon the patta lands of the petitioners except in accordance with law. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.V.SESHA SAI, J

DATED: 09-11-2015

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