

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

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WRIT PETITION No.30147 OF 2015

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ORDER:

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

“to pass an Order or Direction or a Writ more in the nature of Writ of Mandamus by declaring the action of the respondents 1 to 4 herein in not preventing or stopping the respondents 5 to 7 herein in erecting Ambedkar statue in front of the house of the Petitioner herein by not following the guidelines issued under G.O.Ms.No.55 Transport, Roads & Buildings (R.I) Department dt. 8.4.2003 as arbitrary, illegal, ultravires and against to the principles of natural justice and consequently direct the respondents 1 to 4 herein not to give permission to the respondents 5 to 7 herein in erecting the Ambedkar statue in front of the house of the petitioner bearing Door No. 34-2-13/1 situated at Mutchumilli village of Ramachandrapuram Mandal, East Godavari District in the interests of justice

.”

2. Heard Sri Chandra Sekhar Ilapakurti, learned counsel appearing for the petitioner and learned Government Pleaders for Roads and Buildings and Revenue appearing for the respondents.

3. When the matter is called today, letter bearing No. Permissions/Status/W.P.No.30147-2015/Supdt/EC4/2015, dated 29.09.2015, furnished by the Executive Engineer (R&B), (R&B) Division, Kakinada, addressed to the learned Government Pleader, T(R&B), High Court of Andhra Pradesh, Hyderabad, has been placed on record. The said letter, to the extent of relevancy for the present case, reads as under:

“In this connection, I submit that, No R&B Road is passing through the location stated by the petitioner i.e., near Door No.34-2-1 situated at Mutchumilli village of Ramachandrapuram Mandal, East Godavari District. The

averment of the petitioner that the respondents 1 to 4 are not preventing or stopping the respondents 5 to 7 in erecting Ambedkar Statue in front of the house of the petitioner by not following the guidelines issued under G.O. Ms. No.55. T.R&B (R.I) Dept. dt.08.04.2013 is not true, since the para 17 of the said G.O. states that "these guidelines are applicable for all R&B roads and the Right of Way and also the lands abutting to R&B Roads".

Further, I submit that, the said location is under Ramachandrapuram Municipality and the roads abutting to the said site are under the control of Ramachandrapuram Municipality. As per the present site condition, no statue is erected and there are no traces of any preparations on ground for erecting the statue.

Therefore, I submit that, the averment of the petitioner that, the respondents 1 to 4 are not preventing or stopping the respondents 5 to 7 in erecting Ambedkar Statue by not following the guidelines issued under G.O Ms. No.55, T.R&B (R.I) Department dt.8.4.2003 is not true and correct and request to apprise the Hon'ble High Court for consideration."

3. On noticing the same, learned counsel for the petitioner requested this court to dispose of the writ petition by recording the contents of the letter.
4. In view of the above, writ petition is disposed of, by recording the contents of the above mentioned letter dated 29.09.2015.
5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

30th September, 2015

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