

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 23483 of 2009

ORDER:

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Heard learned counsel for the petitioner and learned standing counsel for NHAI appearing for the respondents.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondents 2 and 3 in taking steps for widening the existing National Highway No.5, which traverses through Chilakaluripeta Town & Municipality, Guntur District, instead of forming a by-pass road, as illegal and arbitrary and violative of Articles 14 and 21 of the Constitution of India.

At the time when the matter is taken up for hearing, the learned standing counsel for NHAI, appearing for the respondents, placed on record a copy of order dated 17.11.2014 passed by a Bench of this Court in W.P.No.288 of 2009 where in it is held as under:

"As far as the laying of road and alignment is concerned, it is the subject matter of the expert bodies and it is for the expert bodies to take a decision to lay a road with particular alignment. No one can question that, unless it is absolutely mala fide or violative of the provisions of law. No such case has been made out in the instant writ petition."

In view of the order referred to above, it cannot be said that the action of respondents 2 and 3 is illegal and improper. Since no *mala fides* are alleged against them and there is no violation of provisions of law, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed.

JUSTICE C. PRAVEEN KUMAR

21st September, 2015
cbs

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