

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 17969 of 2009

ORDER:

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Heard learned counsel for the petitioner and Government Pleader for Revenue.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the first respondent in trying to lay a road through the petitioner's land admeasuring Ac.2.22 cents situated in Sy.No.487 of Putukalamarri Village, Aspari Mandal, Kurnool District, as illegal, arbitrary and violative of Article 300-A of the Constitution of India.

The averments in the affidavit filed in support of the writ petition would show that the petitioner claims himself to be owner and possessor of the land admeasuring Ac.2.22 cents situated in Sy.No.487 of Putukalamarri Village, Aspari Mandal, Kurnool District, having acquired the same from his ancestors. It is stated that his name was entered in the revenue records and the revenue authorities also issued pattadar pass book in his favour. While things stood thus, the second respondents and some others represented before the first respondent for laying a new road to reach their lands and under the guise of public interest the first respondent is now trying to lay a road through the land of the petitioner. Hence, the present writ petition came to be filed.

No counter is filed on behalf of the respondents.

By an order, dated 27.08.2009, while issuing Rule-nisi, this Court directed the first respondent not to lay any road in the land

of the petitioner admeasuring Ac.2.22 cents situated in Sy.No.487 of Putukalmarri Village, Aspari Mandal, Kurnool District, without following due process of law.

Having regard to the circumstances stated above and taking into consideration the interim order dated 27.08.2009, the first respondent is directed to follow due process of law before taking any steps more particularly laying of road through the petitioner's land admeasuring Ac.2.22 cents situated in Sy.No.487 of Putukalmarri Village, Aspari Mandal, Kurnool District.

With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

11.12.2015
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