THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.41988 of 2015

ORDER:

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This writ petition is filed seeking the following relief/s:

'…to issue any appropriate Writ, order or direction preferably a writ in the nature of Writ of Mandamus, declaring the action of the respondents trying to lay 100 ft. road through the land of the petitioner situated in Sy.No.357 of Garimilla village, Mancherial, Adilabad District as illegal, arbitrary, malafide, intentional contrary to Act and opposed to principles of natural justice and consequently direct the respondents to follow the due process of law to lay 100 ft. road through the land of the petitioner in the interest of justice and pass all necessary orders.. '

[Reproduced verbatim]

2. I have heard the submissions of the learned counsel for the petitioner and the learned Standing Counsel appearing for the 2nd respondent Municipality. I have perused the material record.

3. The case of the writ petitioner is that he is the owner of the subject land in an extent of Ac.10.00 cents of land in Sy.No.357 of Garimilla Village having got the same under a Registered Gift deed dated 02.05.2009 from his mother and that when he had made an application to the 2nd respondent on 10.12.2015 for grant of permission for construction, the same was rejected on the ground that though it is a patta land no permission is to be granted as a 100 feet road is proposed to be laid through the land of the petitioner as per the Master Plan and that subsequently marking was made on the land of the petitioner for formation of 100 feet road without issuing any notice and also without acquiring the land and paying any compensation and that, therefore, the writ petitioner is obliged to file the writ petition.

4. The learned Standing Counsel would fairly submit that no action for laying the proposed road through the land of the petitioner would be taken without following the procedure established by law.

5. The learned counsel for the petitioner would submit that after recording the submission of the learned Standing Counsel, the writ petition may be disposed of with appropriate directions that would meet the ends of justice.

6. Recording the submissions, the writ petition is disposed of directing the 2nd respondent not to interfere with the possession of the petitioner over the subject land for laying the proposed 100 feet road through the land of the petitioner, without following the procedure established by law and without acquiring the land of the petitioner, if necessary, as contemplated under law. No costs.

Miscellaneous petitions, pending if any, in the writ petition shall stand closed.

M. SEETHARAMA MURTI, J

23.12.2015
Vjl