

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

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WRIT PETITION No.3323 OF 2008

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ORDER:

The complaint in the present Writ Petition is alleged action on the part of the respondents in digging the land of the petitioner for laying the road in Survey No.651/56 of P.Mallavaram Village, Tallarevu Mandal, Kakinada, East Godavari District.

2. Heard Sri S.Sridhar, learned counsel, appearing for the petitioner and learned Government Pleaders for Roads and Buildings and Revenue, appearing for the respondents.

3. In response to the 'Rule Nisi' issued by this Court on 28.02.2008, Counter affidavit is filed by the Executive Engineer (R&B), Kakinada, East Godavari District and paragraph No.4 of the said counter reads as under:

"4. In reply to para 3 of the writ affidavit it is submitted that no land of the petitioner was taken for widening of the road Tallarevu to Gadimoga. The Compensation was already paid to the lands which were taken under Land Acquisition proceedings. As no land of the petitioner was taken, the petitioner's land was not included in the land acquisition proceedings. The lands which were not notified in the land acquisition proceedings and used for widening of the above road are the Government i.e., R&B department. Hence the allegation that the petitioner that his land was encroached by the Government is not true and correct and the same is denied. The petitioner has put to strict proof of the same."

4. While referring to the above mentioned paragraph, it is submitted by the learned counsel for petitioner herein that in view of the said averments, the present Writ Petition can be closed by placing the said averments on record.

5. In view of the above submission, Writ Petition stands disposed of, by placing on record the averments made at Paragraph No.4 of the counter affidavit filed by the Executive Engineer, Roads and Buildings Department, Kakinada, East Godavari

District -

1st respondent herein.

6. 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

22nd December, 2015

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