

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL Nos. 709; 707 AND 708 OF 2015

16-07-2015

WRIT APPEAL No. 709 OF 2015

Between

Sri Govind Rao Ragarhia

... Appellant

And

M/s. Samatha Nagar Residents Association, regd. No.9474/2000,
Samatha Nagar, Opp to JNTU Campus, Kukatpally, Hyderabad, rep.,
by its Vice-President, Sri V. Siva Prasad, S/o. Sri V. Prakash Rao and
five others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
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WRIT APPEAL Nos. 709; 707 AND 708 OF 2015
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PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

WRIT APPEAL (SR) Nos. 106221 OF 2015
WRIT APPEAL No. OF 2015

We have heard learned counsel for the parties including learned Advocate General for the respondent – A.P Housing Board.

It is true that the appellant was not party to the writ petition and the order passed by learned single Judge covers his land to the extent of 30 feet. Apart from that, having regard to the affidavit filed by Housing Board, if the road is constructed as per the order of the learned single Judge, that will amount to diverting the road shown, as in the master plan and the Housing Board would lose more land. The affidavit shows that if the road is laid, as per the master plan, 60 feet wide, the Housing Board would lose 627.38 square meters, and if it is laid 100 feet wide, they would lose 893.38 square meters. As against this, if the road is constructed as per the impugned order, they would lose 1267.72 square meters. Therefore, question was raised whether by order of this Court a road shown in the master plan can be diverted. In the circumstances, learned counsel appearing for the parties have agreed for the following order, and they fairly stated that we need not record reasons for the same:

“The order passed by learned single Judge dated 22-12-2014 in Writ Petition No. 10806 of 2009 is set aside. Writ petition is restored to

file. The learned Judge, who is assigned to hear this writ petition, is requested to hear and decide the writ petition expeditiously afresh, on merits in accordance with law and after giving an opportunity of being heard to the appellant. Respondent No.1 i.e., the original petitioner is directed to add the appellant as party respondent in the writ petition. All contentions of the parties are kept open. While passing this order we shall not be understood to have expressed any opinion on the merits of the case.”

With these observations, writ appeal is disposed of.

Miscellaneous petitions, if any, also stand disposed of.

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WRIT APPEAL (SR) Nos. 29346 AND 105289 OF 2015
WRIT APPEAL Nos. AND OF 2015

In view of the order passed in Writ Appeal (SR) No. 106221 of 2015, these appeals render infructuous and disposed of as such.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

16-07-2015
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