

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**WRIT PETITION NO.16558 OF 2012**

**DATED 04<sup>th</sup> JUNE, 2015**

Between:

Abid Bin Usman Jabri .. Petitioner

and

The Superintendent Engineer,  
Roads & Buildings, Karimnagar  
District and another .. Respondents

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**ORDER**

The grievance of the petitioner in this case is that the respondent authorities

did not widen the Babu Jagjeevan Ram Chowrasta, Karimnagar Town, by the same extent of land on all sides. He sought a consequential direction to them to do so.

According to the petitioner, the Roads and Buildings Department was bending to political pressure and was not following any procedure while taking over land for widening of the Babu Jagjeevan Ram Chowrasta in Karimnagar Town. He stated that due to the wrong procedure adopted by the authorities, he was being put to undue hardship and irreparable loss, apart from mental agony.

The Superintending Engineer, Roads and Buildings Department, Karimnagar, filed a counter-affidavit stating that the road junction at Babu Jagjeevan Ram Circle in Karimnagar Town was taken up for development under the 'Mana Nagaram Programme' by the Karimnagar Municipal Corporation and a consultant was engaged in this regard. The markings given by the consultant necessitated widening of the roads at the junction. The widening was accordingly undertaken by the Roads and Buildings Department of the State, while the construction of the Central Circle and the approach medians was undertaken by the Karimnagar Municipal Corporation. The allegations to the contrary made by the petitioner as regards the drawing up of plans were accordingly denied. It was pointed out that the land of the petitioner was situated on one side of the existing old drain, but the road widening was done on the other side of the said drain. No private property was taken possession of for the purpose of widening the roads and the allegation of the petitioner that the same extents of land were not taken on all sides and that the land was taken as per the authorities' choice to help certain persons was denied.

The Superintending Engineer asserted that as the petitioner's land was not used for the purpose of improvement of the junction, he had no locus to challenge the same. He reiterated that the junction was developed by Karimnagar Municipal Corporation as per the plan, sketch and marking given by the consultant and that the road widening alone was done by the Roads and Buildings Department of the State within the road boundary without taking possession of any private land or property, including that of the petitioner.

No reply affidavit was filed by the petitioner rebutting the above averments made in the counter-affidavit filed by the first respondent.

As the mode and methodology adopted by the respondents for effecting improvement of a road junction is essentially in the realm of policy, this Court would

not interfere with the same unless any patent illegality or arbitrariness is demonstrated in the State's action. In the present case, the specific stand put forth by the Roads and Buildings Department of the State is that no private property had been taken for the purpose of road widening for improvement of the junction. In that view of the matter, the allegation of the petitioner that the same extent of land was not taken on all sides for widening the junction does not stand to reason. As this was the only ground of challenge raised by the petitioner, this writ petition does not warrant further consideration and is accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

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**SANJAY KUMAR, J**

**04<sup>th</sup> JUNE, 2015**

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