

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

Public Interest Litigation No. 81 of 2015

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DATED:22.06.2015

Between:

Bhuma Venkat Nagi Reddy,
Nandyal,
Kurnool District.

... Petitioner

And

The Nandyal Municipality,
Nandyal,
Kurnool District and others.

....Respondents

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

Public Interest Litigation No. 81 of 2015

PC: (Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

The petitioner, in the instant Public Interest Litigation seeks the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ or order or direction more particularly in the nature of Writ of Mandamus, to declare the delay and inaction on the part of the respondents in initiating steps for widening the roads in Nandyal Town, Kurnool District as per the resolution No.59, dated 30.6.2009 passed by the 1st respondent Municipality and as per the proceedings of the 3rd respondent dated 17.9.2011 directing to publish the Master Plan in the Official Gazette as arbitrary, illegal and consequently direct the respondents to widen the roads in Nandyal Town, Kurnool District in terms of the resolution passed by the 1st respondent Municipality and the Master Plan published in the Official Gazette in the interest of justice.”

Respondent No.1 has filed counter affidavit. Paragraph-7 thereof reads thus:

“I submit that on 18.3.2015 a meeting was convened and requested all private sites/building owners whose properties affecting in eastern side of this stretch of 80'-0" wide Master Plan road situated opposite to Government Offices to give their willingness/consent for parting their sites/buildings for widening of road. Most of them given consent letters to this respondent Municipality to take up widening after payment of compensation as fixed by R& B department. I submit that the entire process of widening of Master Plan roads is related to availability of funds in local body. Due to lack of funds and poor condition of financial position in respondent Municipality, this respondent Municipality has to depend on release of some special grants from Government. As a law abiding and responsible officer, this respondent is always ready to serve public of Nandyal basing on availability of funds in local body.”

Mr. Md. Saleem, learned Standing Counsel for respondent

No. 1, submits that respondent No.1 is pursuing the matter with the Government for release of funds, so as to undertake not only widening of the road as prayed for in the instant petition, but even for undertaking other works as per the Master Plan. He submits that respondent No.1 will pursue it further and the moment funds are released, they would undertake all the works, including widening of the roads in Nandyal Town, Kurnool District.

In view of the statement made by the learned Standing Counsel for the respondent No.1 across the Bar, and so also the statements made on affidavit by respondent No.1, we do not find any reason to keep this petition pending any further. Hence, the Public Interest Litigation is disposed of.

It is open to the petitioner, who is also an M.L.A. of the Nandyal Constituency, to pursue with the Government and help respondent No.1 for release of funds at the earliest.

Consequently, pending miscellaneous petitions also stand closed.

DILIP B. BHOSALE, ACJ

**S.V. BHATT,
J**

22nd June, 2015

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