

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.21175 of 2015

Dated : 10.07.2015

Between:

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Gangadari Maraiah S/o.Yadagiri,
Aged 56 yrs, Agriculture,
R/o.Kanchanapally Village, Nalgonda Mandal &
District & 5 others.

.. Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Panchayat Raj Department,
Secretariat Buildings, Hyderabad & 4 others

.. Respondents

This Court made the following :

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ORDER :

The grievance of the petitioners is that there is an existing road which links Munugode PWD Road (School building) to Deepakunta in Kanchanapally Grama Panchayat, Nalgonda District. It is the further contention of the petitioners that this road is existing for the past 100 years. Instead of strengthening the said road, there is a proposal to divert and lay an alternative road. For this purpose, a survey was conducted and markings are made and as per the proposed alternative road, the properties of the petitioners are affected. No notice or opportunity is given to the petitioners before taking their properties, for formation of a new road. Hence, this writ petition.

2. As the averments would disclose that there is proposal to make an alternative road instead of existing road. For what reasons an alternative road is proposed is within the realm of competent authorities and exigencies of administration and the Court cannot go into the correctness or otherwise of such decisions, unless it is specifically alleged that it is deliberately obtained with malafide intention to affect somebody's rights and to benefit some other persons. Furthermore, as seen from the averments made in the affidavit filed in support of this writ petition, what is alleged is only conducting of survey and making of markings. Thus, it appears to be only a preliminary exercise as of now and no further steps are taken for laying a road. The grievance of the petitioners at this stage is premature. It is needless to observe that if a private property is required for public purpose, for laying a road, the respondents have to follow the due process of law for acquiring such private properties.

3. Having regard to the above, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

10th July, 2015.
Rds

P.NAVEEN RAO,J

