

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.33668 OF 2011

ORDER:

The present Writ Petition is filed by the petitioners seeking issuance of writ of Mandamus declaring the action of the respondents in illegally laying down the road over the lands of the petitioners in Sy.No.16 & 17 at Erravalli Tanda, Thimmasanipally village, Mahabubnagar Mandal and District, without following due process of law as illegal, unlawful, contrary to law and against Article 300-A of the Constitution of India.

The averments in the affidavit filed in support of the Writ Petition are as under :

The first petitioner and his sons are the owners of the land in Sy.No.17 admeasuring Ac.3-29 guntas and whereas the 2nd petitioner is the owner and pattedar of the land in Sy.No.16 admeasuring Ac.1-18 guntas at Erravalli Tanda Thimmasainapally village, Mahabubnagar Mandal and District. The petitioners are own brothers and they belong to Schedule Tribe. It is stated that though there is no road or cart track in the lands belonging to the petitioners, the owners of the neighbouring lands and also the owners of the bricks ovens in the area were using the land of the petitioners for the purpose of transportation of their bricks. In spite of making repeated requests to police

and revenue authorities against the use of their land for transportation of bricks, the authorities have not taken any action. It is further stated that the owners of the brick ovens in the said area have prevailed upon the Tahasildar; got sanctioned the amount from the Panchayatraj funds for laying down the road through the above land of the petitioners without initiating any proceedings under the Land Acquisition Act and also without the consent of the petitioners. Though the petitioners are said to have objected for laying the road through their lands, ignoring their representations the respondents are laying the road through the land of the petitioners by taking the law into their hands. It is stated that even the village map does not show the existence of the road or cart track passing through the said land. It is further stated that the action of the respondents in laying the road without the consent of the petitioners is illegal and arbitrary. Hence, the Writ Petition.

At the time when the matter is taken up for hearing, the learned Government Pleader for Revenue, Telangana State submits that as on date no proposals are executed for acquisition of land. According to him, no action was initiated by the office of the Tahasildar for acquisition of the said land. It is stated that the existing Y-WATT path is being used by the public but no permanent road is formed.

In view of the above representation made by the learned Government Pleader, the allegation of the petitioners that the respondents are trying to lay a road appears to be incorrect. But, having regard to the apprehension expressed by the petitioners with regard to laying a road without giving any notice to them, the Writ Petition is disposed of by directing the respondents not to take any steps for formation of the road for public purpose without following due process of law.

With the above direction the Writ Petition is disposed of. No order as to costs. As a sequel to it, miscellaneous petitions pending, if any in this Writ Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date: 22.07.2015
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