IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.3624 OF 2012

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Between:
PVANR Krishnanda Rao.

.. Petitioner

And

The Government of A.P.,
Represented by its Principal Secretary,
R & B Department,
Secretariat, Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 06-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

1. Whether Reporters of Local newspapers may be allowed to see the Judgment? Yes/No

2. Whether the copies of judgment may be marked to Law Reporters/Journals Yes/No

3. Whether Their Lordship wish to see the fair copy of the Judgment? Yes/No

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.3624 of 2012

ORDER:

The grievance of the petitioner in this case was that the officials of the Roads and Buildings Department of the State were proposing to lay a cement concrete road by raising the level of the existing road in Survey No.591/11 of Akhiveedu Village, West Godavari District, and in the said process, they wished to demolish the petitioner's southern side compound wall. The petitioner alleged that this action was being taken without following the due procedure laid down by law and therefore sought protection from this Court.

By order dated 10.02.2012, this Court directed that the compound wall of the petitioner in the subject property should not be demolished. This order was thereafter continued until further orders on 23.02.2012.

The Executive Engineer, Roads and Buildings Department, Bhimavaram, West Godavari District, filed a counter-affidavit stating that the Roads and Buildings Department had taken a decision to strengthen and widen the existing road between Akhiveedu and Dumpagadapa Railway Feeder Road. The cement concrete road was proposed to be constructed at a height of 0.40 metres (1 feet 4 inches). The petitioner's claim that the road was proposed to be constructed at a height of 3 feet was therefore denied. The Executive Engineer further stated that the department was not taking any steps to demolish the petitioner's compound wall for strengthening the existing road boundary. He asserted that the strengthening and widening of the road with cement concrete was taken up only where the BT stretches were damaged due to stagnation of water, by raising the height of the road to 1 feet 4 inches.

In the light of the aforestated counter-affidavit averments, it is clear that it was only an unfounded apprehension entertained by the

petitioner that his compound wall would be demolished by the Roads and Buildings Department of the State during the process of the road strengthening. The stand of the authorities that the petitioner's compound wall will not be touched is recorded.

In the light thereof, no orders are required to be passed in this writ petition and the same is accordingly closed.

Pending Miscellaneous Petitions, if any, shall also stand closed. No order as to costs.

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SANJAY KUMAR, J

Date:06.08.2015

GJ