

THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.29770 OF 2011
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ORDER:

This Writ Petition filed under Article 226 of the Constitution of India calls in question the alleged action of the respondents in constructing a pipe culvert at 195.96 km on Addanki – Narkatpalli State Highway in between Survey Nos.101 and 109 of Chakrayapalem Village, Addanki Mandal, Prakasam District, as arbitrary, illegal, violative of principles of natural justice and violative of Articles 19, 21 and 300-A of the Constitution of India.

2. Heard Sri G.Pedda Babu, learned counsel, appearing for the petitioner, learned Government Pleader for Roads and Buildings and Sri J.Janakirami Reddy, learned counsel, appearing for 5th respondent.

3. The grievance of the petitioner in the present Writ Petition is that in the name of extension of Addanki–Narketpalli State Highway, the respondents are laying a new pipe culvert and the same would cause erosion and seepage into the private land of the petitioner herein. It is also alleged that the said action would render the petitioner land unfit for cultivation.

4. Counter affidavit is filed by the Executive Engineer, (R&B), R.D.C.Division, Guntur – 4th respondent herein and at Paragraph No.5 of the said counter, it is stated as follows:

“5. *It is submitted that the recommendation of the Executive Engineer, O&M Division, Addanki to the Executive Engineer (R&B), APERP Division, Piduguralla now Executive Engineer (R&B), APRDC Division, Guntur is necessary and it is not recommended with any ill motive and doesn't come under violative of principles of natural justice. However the drainage water coming from western side through this culvert will not be allowed in the petitioner's land and proper protection works will be done. So that no erosion will takes place. Even if the culvert is not provided the natural course of water flows*

from higher elevation to lower elevation over the road crust level of the road during cyclones and floods. If proper drainage is provided to let the water drain out from one side to other side it will definitely reduce the effect of water crossing the road at one particular point. The recommendation to go for bigger diameter culvert is necessary to avoid inundation and to save the road from damages during cyclones and traffic interruptions during rainy seasons. This recommendation is not based, not arbitrary, illegal and is non violative of principles of justice.”

5. While referring to the averments made at Paragraph No.5 of the counter affidavit filed by the 4th respondent, it is submitted by learned counsel for the petitioner herein that in view of the above, the interim order granted by this Court on 10.11.2011 passed in W.P.M.P.No.36877 of 2011, may be made as a final order and writ petition can be disposed of. The said request is not opposed by the learned Government Pleader.

6. For the aforesaid reasons, writ petition is disposed of, keeping it open for the respondents herein to proceed with the work, in accordance with the undertaking given in the counter affidavit at Paragraph No.5.

7. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

21.12.2015
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