

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4049 OF 2015

ORDER :

This writ petition is filed seeking writ of mandamus directing the respondents to re align the road in Sy.Nos.360/B/1 and 393, Stambapalli village, Geesugonda Mandal, Warangal District by considering the representation of the petitioner dated 04.02.2015.

2. It is the case of the petitioner that she is owner of land Ac.2.22 guntas situated in Sy.No.360/B/1 and 393, Stambapalli village, Geesugonda Mandal, Warangal District, which is an ancestral property and pattadar pass book and title deeds were also issued in her favour and that she is cultivating the said land by raising crops like cotton, maize, kandi etc. The respondent authorities, without following the procedure as laid down under Land Acquisition Act, has taken some extent of the petitioner for the purpose of laying road leading from John Phinil Railway Gate to Stambampally through the land of the petitioner. It is stated that though 18 guntas was used for the purpose of laying road the land on the northern side of road which is nearly Ac.1.00 has gone waste, as he cannot raise any crop in that portion of land as it is a narrow stretch of land. In total, the petitioner has lost Ac.1.18 guntas of land. As the respondents have proposed to lay a pacca road and started the work from John Phinil Railway Gate, the petitioner has made representation dated 04.02.2015 to the respondents requesting them to shift the road to the southern side in the petitioner land only, so that the loss will be reduced to some extent and the left over land in the northern side would be useful, by virtue of which, the area of now proposed road will be reduced from 18 guntas to 14 guntas and the cost of laying road will also be reduced. It is stated that the petitioner's representation is pending with the 3rd and 4th respondents, but no action is being taken so far. Aggrieved by the same, the present writ petition is filed.

3. Counter affidavit is filed on behalf of the respondents stating that the petitioner is owner of the land admeasuring to an extent of Ac.2.22 guntas situated in Sy.No.360/B/1 and 393, Stambapalli village, Geesugonda Mandal,

Warangal District. The road work from John Peril Railway gate to Vanchanagiri via Stambampalli of Geesukonda Mandal has been administratively sanctioned for an amount of Rs.181.68 lakhs PMGSY-II (Pradhanamantri Grameena Sadak Yojana) vide G.O.Ms.No.33, dated 15.02.2014 of Panchayat Raj & Rural Development Department, Hyderabad. The work has been technically sanctioned by Engineer-in-Chief Panchayat Raj, PMGSY, Hyderabad vide TSR No. Nil, dated 19.02.2014 and after calling the tenders, the work has been entrusted to lowest tender vide agreement No.54/2014 for a period of 12 months up to 27.11.2015. It is stated that after said road has been laid on the existing road and almost after completion of 80% of the work, the petitioner approached the respondent and filed a representation for diversion of the road. It is further stated that the road is formed with a top of width of 7.5 Mts and bottom width of 11.00 Mts laid about 20 years ago. The road which is sanctioned now is the improvement to the existing road to PMGSY standard with BT top throughout the length. The contractor has started laying of the WBM layers in the WBM reach from 0/0 to 1/489 and 2/615 to 5/700 in the WBM reach from 1/225 to 1/376 kms leaving the problematic length of 151 mts and completed to BT standard throughout the length. It is further stated that the road is not a new construction, but improvements to the existing road to PMGSY Standards which does not require any new formation or earth work.

4. Reply affidavit is filed by the petitioner to the counter affidavit filed by the respondents stating that though the respondents had acquired 18 guntas of land for the purpose of laying pucca road, they have not paid any compensation to the petitioner for the same.

5. Heard Sri P.Krishna Reddy, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj as well as Sri C.Naresh Reddy, learned counsel for respondents 5 to 14.

6. Respondents 5 to 14 have been impleaded as per the orders of this Court today in W.P.M.P.No.16565 of 2015.

7. Learned counsel for the petitioner submits that by considering the petitioner's representation, road alignment can be changed.

8. On the other hand, learned Government Pleader for Panchayat Raj submits that 80% of the work of laying road on the existing road has been completed

and after completion of the same, the petitioner has made representation for changing the alignment of the same and that the improvements are made to the existing road.

9. Learned counsel appearing for respondents 5 to 14 submits that almost 80% of the laying of road has been completed and at this stage, there cannot be any change of alignment of the said road.

10. Since it is stated in the counter affidavit of the respondents that 80% of the laying of road is completed and only improvements are being made to the existing road, the question of acquisition of land of the petitioner does not arise. As far as change of alignment of the road is concerned, since the petitioner has made representation to the official respondents, it is for the official respondents to consider the same for change of alignment of the subject road, if it is feasible. In view of the same, interim order granted by this Court on 23.02.2015, which is extended from time to time, shall stand vacated.

Accordingly, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

28.04.2015

kvs

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WRIT PETITION No.4049 OF 2015

Date: 28.04.2015

kvs