

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION No.14076 of 2005

ORDER:

Vide the present writ petition, the petitioner seeks direction thereby declaring the action of the respondents in laying the road with Sampoorana Grameen Rozgar Yozana (SGRY) funds, without following due process of law, through the petitioner's agriculture land in Sy.No.48-8 of Kotturu Village, Pellakur Mandal, Nellore District, being illegal, arbitrary, unjust and against the principles of natural justice. Consequently, the petitioner sought a direction to the respondents not to lay the road through the said lands.

2. Heard the learned counsel for petitioner and the learned Government Pleader for Home (AP) for respondent Nos.1 to 4.

3. In para 5 of the affidavit of the petitioner, it is stated that either the second respondent or the third respondent did not take any action upon his request so far. Taking this situation as an opportunity, the fifth respondent is planning to proceed with the road work. The revenue authorities attempted to survey the road work in his land.

4. In para 7 of the affidavit of the petitioner, it is stated that there is a road to the burial ground from the village since long back. The fifth respondent is going to lay the road with SGRY funds through his patta land in Sy.No.48-8 with a plan to transport sugar cane from his land. He further stated that there is already another way to transport the sugarcane from the lands of the fifth respondent.

5. Respondents 1 and 2 filed counter-affidavit, whereby reply to

para 5 of the writ affidavit, it is admitted that the second respondent had not taken any action on the request of the petitioner. However, soon after the petitioner approached the respondents objecting for laying the road from the land said to be in the enjoyment of the petitioner, the Mandal Deputy Surveyor surveyed the land and confirmed that the road leading from the village to the agricultural fields was being laid in Sy.No.43 of Kothuru Village, which is classified as channel poramboke, but not in the patta land of the petitioner i.e., in Sy.No.48-8 as alleged in the petition.

6. In reply to para 7 of the petitioner's affidavit, it is replied by respondents 1 and 2 that it was a fact that there is a road leading from the village to the agricultural fields through the patta land of the petitioner since long back and it was being used by the villagers for their agricultural operations. But, after starting work under SGRY funds, the Sarpanch had diverted the road with the help of the fourth respondent and laid the road in Sy.No.43 which is classified as channel poramboke.

7. Considering the averments of the writ affidavit and the counter affidavit filed by respondents 1 and 2, I am of the view that no cause as espoused in the writ petition survives. Hence, the writ petition is dismissed. No costs. Miscellaneous Petitions, if any pending, shall stand dismissed.

SURESH KUMAR KAIT, J

Date: 21.04.2016

TJMR