

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No.2246 OF 2008

ORDER:

Heard Sri C. Narender, learned counsel for the petitioner and Sri L. Prabhakar Reddy, learned counsel for respondents 2 to 4.

The petitioner filed this Writ Petition with the following relief:

“...to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in taking steps to dispossess the petitioner by laying the Road in the land of the petitioner to an extent of 381 sq. yards in Plot No.43-D in Sy.No.33/10 Part and 33/11 Part situated at Aravinda Colony of Changicharla Village and Gram Panchayat, Ghatkesari Mandal, R.R. District without issuing any notice, without paying compensation and without initiating proceedings under the Land Acquisition Act as arbitrary, illegal, contrary to law and in violation of Articles 14, 21 and 300-A of the Constitution of India and also in violation of principles of natural justice and consequently direct the respondents not to dispossess the petitioner by laying the road in the land to an extent of 381 sq. yards in Plot

No.43-D and Sy.No.33/10 Part and 33/11 Part of the petitioner situated at Aravinda Colony of Changicharla Village and Gram Panchayat, Ghatkesari Mandal, R.R. District, without due process of law i.e., without notice and without paying compensation under the Land Acquisition Act, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

On receipt of notice, respondents 2 to 4 filed counter affidavit.

Sri C. Narender, learned counsel for the petitioner, having regard to the stand taken by respondents 2 to 4 in the counter affidavit, prayed for disposing of the Writ Petition by placing on record the categorical stand of the respondents. The stand of the respondents in paragraph No.5 of the counter affidavit reads as under:

“... Most of the alignment of the pipeline passes through the Road berm portion. APIIC had developed IDA, Phase-III Cherlapally in an extent of land of about Acs.135.00 and allotted to the different industrial units including M/s. Bharat Petroleum Corporation Limited, Indian Oil Corporation,

Hindustan Petroleum Corporation etc. This road from Mallapur Village to Cherlapally serves as an additional link road to reach the IDA, Cherlapally, Phase-III units in addition to another existing Grampanchayat road from Pedacherlapally to Chengicherla. This road leads to State Highway going towards Warangal through Chengicherla Village. The APIIC had recently taken up maintenance of road work only on a stretch of road of about 1.50 KMs. upto the land boundary allotted to M/s. Bharat Petroleum Corporation Limited. A portion stretch of this road is a bund area about 10' above the ground level where the petitioner claim to have purchased the land for housing purpose abutting the existing 60' wide road from Mallapur Village to Cherlapally. The petitioner have purchased the said plots during August, 2007 through registered Sale Deeds. Thus, while taking up strengthening and maintaining this stretch of road by laying new BT layers, APIIC has not encroached into the land of the petitioner as claimed by them. The contention of the petitioner is baseless and incorrect."

By accepting the statement made in the counter affidavit, the Writ Petition is disposed of. No order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

S. V. BHATT, J

Date:26.04.2016

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