

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.1130 OF 2016

ORDER:

Heard.

The petitioner filed this writ petition alleging that respondents 1 to 4 are undertaking widening work of National Highway No.565 through his landed property admeasuring Ac.12.01 cents in Survey Nos.110, 112, 113 and 136/1 of Devarajugattu Revenue Village in Peddaraveedu Mandal, Prakasham District without following the provisions of the National Highways Act and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The affidavit of the petitioner states that in the proposal for widening the National Highway No.565 the petitioner's lands are marked to the extent of 10 to 15 feet depth on the existing road margin, but the petitioner was never issued any notice. On apprehending that the 6th respondent's workmen and machinery accompanied by the 5th respondent visited the petitioner's property and threatening him to acquire his land, the present writ petition is filed.

The instructions of the learned Government Pleader, who appears for respondent No.3, specifically states that the National Highway Authority of India proposed to acquire the land for widening of NH 565 from Km 143.000 to km 304.000 (Vaggampalli – Dornala 'T' Junction) covering 20 villages in 8 Mandals in Prakasham District as per its notification dated 29.04.2014 under the National Highways Act. According to the said notification an extent of Ac.172.00 cents have been acquired in 20 villages, except in Kanigiri due to Court orders. So far as petitioner's land is concerned, paragraph 4 of the instructions specifically states as follows:

"In this connection, it is submitted that there is no acquisition in Devarajugattu Village of Pedaraveedu Mandal in connection with widening of the NH-565 as per the notifications issued under Section 3A(1) of NH Act, 1956 by the Ministry of Road Transport

and Highways, Government of India. Hence, the question of acquisition of petitioner’s lands mentioned in the Writ Petition does not arise. The same was informed to the petitioner when he approached the Additional Joint Collector, Prakasam District, Ongole.”

It is evident from the above that the present writ petition is filed merely on an apprehension that the 6th respondent is going to widen the road from the petitioner’s land as well and hence, contractor is made as a party respondent. The 6th respondent is now represented by counsel, who denied the averments made in the writ affidavit. Even otherwise, paragraph 4 of the instructions of the Government Pleader, who appears for the 3rd respondent, clearly shows that the writ petition is filed only on apprehension. Therefore, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

25.01.2016
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VILAS V.AFZULPURKAR, J

THE HON’BLE SRI JUSTICE VILAS V.AFZULPURKAR

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W.P.No.1130 OF 2016

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DATE: 25.01.2016

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