

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.16819 OF 2016

ORDER:

Heard Sri Vedula Venkata Ramana, Senior Counsel appearing for the petitioners; the learned Government Pleader for Municipal Administration and the learned Government Pleader for Irrigation. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2 . The present writ petition came to be filed with the following prayer:

“to issue a writ of *mandamus* declaring the action of the 2nd respondent in rejecting the representation of the petitioners dated 28.03.2016 vide Lr.No.D2-2247/2012 dated 06.05.2016 without considering the various alternative routes/methodologies suggested by the petitioner and in total ignorance of the directions of this Court in W.P.No.2206 of 2016 dated 27.01.2016 as arbitrary and illegal and consequently, to direct the respondents to effectively consider and accept the alternative proposals submitted by the petitioner as regards laying of road through the campus of the petitioner institutions by converting the old irrigation channel into road.

3. By an order dated 27.01.2016 this Court while disposing of W.P.No.2206 of 2016, passed the following order:

“In the light of the above facts, the petitioners are permitted to make a fresh representation to respondent No.2 projecting all the alternatives including their offer to give away their private land for laying of the road within two weeks from today. On receiving such representation,

respondent No.2 shall consider the same and also give an opportunity of personal hearing to the representative of respondent No.1-institution before taking a final decision. Respondent No.2 shall not proceed with laying of the road till it takes a decision after following the aforementioned procedure and communicate the decision to the petitioners.”

4. In pursuance of the order passed by this Court, the petitioners herein made a representation on 10.02.2016 setting forth proposals for laying of the road and also finding fault with the proposals/IRC Guidelines issued by the department of Civil Engineer. After considering the representations made and after giving personal hearing, the 2nd respondent-Andhra Pradesh Capital Region Development Authority passed the impugned order. A reading of the impugned order would show that the authorities only took into consideration the alleged proposal made by the petitioners for construction of underpass with a vertical clearance of 3.50M at their cost. But, a perusal of the representations made by the petitioners does not anywhere indicate that the said proposal was sent from the petitioners. On the other hand, the said suggestion was made by the Chief Engineer APCRDA. The impugned order does not anywhere reflect consideration of the alternate proposals suggested and made by the petitioners, in compliance with the order passed by this Court in W.P.No.2206 of 2016.

5. Having regard to the circumstances stated above, the present Writ Petition is allowed setting aside the order dated 06.05.2016 passed by the 2nd respondent and consequently, the 2nd respondent is directed to dispose of the representations dated 10.02.2016 and 28.03.2016 made by the petitioners by taking into

consideration the options with regard to the passage of a road through the blocks of the College, after hearing the parties, in accordance with law, as early as possible. Needless to say that the petitioners shall co-operate with the 2nd respondent in dealing with the matter.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

-

JUSTICE C. PRAVEEN KUMAR
-

Date:02.06.2016

Note: Furnish C.C. by tomorrow

(B/O)

INL