

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

P.I.L.No.324 OF 2015

PC: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Ms.Rachana S.Waddepalli, learned counsel for the petitioner and Mr.A.Sanjeev Kumar, learned Special Government Pleader for respondents 1 to 3 and 6 to 10.

In the instant Public Interest Litigation (PIL), the petitioner prays for the following relief:

“.....this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the inaction of the respondents in alleviating the suffering of the residents of Peddakunta Thanda tribal hamlet of Gollapalli Village, Jedcherla Mandal, Mahabubnagar District as arbitrary, illegal and violative of Art.46 and 15(3) of the Constitution of India and consequently direct the respondents to depute an officer not belong the rank of Deputy Collector to inspect the living conditions of the Peddakunta Thanda tribal hamlet of Gollapalli Village, Jedcherla Mandal, Mahabubnagar District, their present plight and the dangers they are facing, their vulnerability to anti social forces and consequently direct the State Government to take steps to remedy the situation and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case”.

On 02.11.2015, the PIL was listed and it was adjourned to enable the learned counsel appearing for the respondents to get instructions or file counter affidavit. The PIL was heard on 23.11.2015 and the following order was passed:

“Heard learned counsel for the parties.

Learned counsel for the petitioners and Smt.Shailaja, Manager (Technical), National Highways Authority, Hyderabad shall visit Peddakunta Thanda tribal hamlet of Gollapalli Village, Mahabubnagar District before the next date of hearing to ascertain the ground realities and also to find out how far is the sub-way seen in the photograph on page 47 from this village.

After their visit, learned counsel for the petitioners

and learned Standing Counsel for National Highways Authority shall place their affidavits on record. It is open to them to take photographs if they so desire. The local Police shall cooperate and extend all help to learned counsel for the petitioners and Smt.Shailaja during their visit to Peddakunta Thanda, Mahabubnagar District.

Stand over 14.12.2015”.

In terms of the said order, the parties have filed further pleadings and also report.

Mr.P.Sanjeev Kumar, learned Special Government Pleader appearing for respondents 1 to 3 and 6 to 10, submits that the respondent-Government has taken all steps to identify common causes for/of hardship and agony in the subject village and all the eligible beneficiaries from the village are enlisted for availing benefits provided by the State Government under various schemes. He further contends that a few of the averments in the affidavit are either exaggerated or need verification by the official respondents before extending any benefit. He finally submits that the 6th respondent-District Collector, Mahabubnagar, having regard to the nature of grievance canvassed in the PIL, would undertake necessary steps, including constitution of a team of officials to inspect the village, gather information on the causes of hardship and agony in the village and further take details of various beneficiaries who are yet to get the benefit from the Government and empanel in the applicable or appropriate schemes being implemented by the Government.

The learned standing counsel appearing for the National Highways Authority of India (NHAI), drawing the attention of the Court to the photographs to the six lane road passing in front side of the village and the underway provided near the village, submits that a few accidents have happened on account of opening of road at one of the places facing the village and appropriate steps will be taken to properly barricade the road and prevent immediate access on to the highway to vehicles and villagers.

He further submits that, as suggested by the petitioners, it is not feasible

to provide a service road and it is either for the gram panchayat or local administration to look into this aspect of the matter and do the needful to the village/villagers.

We have taken note of the submissions of learned counsel appearing for the parties. We are satisfied that the writ petition can be disposed of by this order.

“The District Collector/6th respondent, as submitted by learned Special Government Pleader, constitutes a committee, within four weeks from the date of receipt of a copy of this order, consisting of officials from the Revenue, Woman and Child Welfare and Agriculture Department to inspect Peddakunta Thanda, tribal hamlet of Gollapalle Village and gather details and information on the hardship/grave situation prevailing in the village and obtain report within four weeks thereafter.

The 6th respondent basing upon the report of the said committee, and if the committee makes recommendation for inclusion of deprived villagers to any of the ongoing welfare measures, including payment of pension etc., shall do the necessary within a further period of six weeks thereafter and communicate individual orders to the beneficiaries.

The statement of learned standing counsel for NHAI is recorded and accepted. The NHAI is directed to take appropriate steps, including barricading the opening pointed out through photographs filed with report in the larger interest of safety of vehicles and villagers while entering the highway from the village.

The said exercise, as agreed, shall be completed within two months from the date of receipt of a copy of this order.

The petitioners are given liberty to make a detailed representation within four weeks from the date of receipt of a copy of this order on the hardship faced by them and deprivation of benefits of Government schemes, non-payment of old age pension etc., to the notice of 6th respondent to enable the 6th respondent to give appropriate terms of reference to the committee for inspection and filing the report”.

PIL is, accordingly, disposed as indicated above.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

ACJ

DILIP B. BHOSALE,

S.V.BHATT, J

Date:18.01.2016
Lrkm