

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

W.P.No.24203 OF 2003

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

Heard Mr.Md.Ajmal Ahmed, learned counsel for the petitioners and the learned Government Pleader for Revenue for respondents.

The petitioners pray for Mandamus holding that the action of respondents 3 and 4 in attempting to dismantle the road known as 'Gollikunta Katta' at Korutla proper and Mandal, Karimnagar District and converting the said road into house sites, as illegal and unconstitutional.

On 28.07.2004 in W.P.M.P.No.30463 of 2003, this Court has passed the following order:

"In spite of granting innumerable opportunities, the 4th respondent did not file any counter affidavit controverting the allegations made in the affidavit filed in support of the writ petition. The affidavit filed by the 3rd respondent is vague and indefinite and in no matter meets the contentions raised in the affidavit filed in support of the writ petition. Likewise, the counter affidavit filed by the 1st respondent-Regional Deputy Director, does not advert to the question raised in the writ petition.

It is not known, as to why, the District Collector is silently watching without making any enquiry whatsoever into the matter. No counter affidavit has been filed by the District Collector.

In the circumstances, there shall be a direction to respondents 3 and 4 not to take any further steps whatsoever to dismantle, alter or modify the existing road known as Gollikunta Katta at Korutla proper & mandal, Karimnagar District. The land shall not be converted into house sites.

The possession existing as on today in all respects shall be maintained during the pendency of the writ petition".

The said order is subsisting as on date. The learned counsel appearing for the petitioners made detailed submissions on the existence of road known as 'Gollikunta Katta' and the submission of petitioners are opposed on all fours by contending that there is no road at all. The submissions of learned counsel are required to be examined by deciding various disputed questions of fact. We are of the view that in exercise of the jurisdiction of this Court under Article 226 of the Constitution of India and more particularly having regard to the stand taken in the counter affidavit, we are not inclined to examine and decide the issue. We are satisfied that the writ petition can be disposed of by this order.

"The District Collector/2nd respondent is directed to call for objections on the subject road/subject land from not only the petitioners but also from general public, enquire into the nature of land and pass appropriate orders either on the existence of a road or the necessity to convert the subject land into house sites for assignment to poor and eligible persons. The decision/order so made shall be communicated to the petitioners.

The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

The interim order granted on 28.07.2004 is directed to be maintained for a period of three months from today or till a decision is taken and communicated by the 2nd respondent to petitioners herein".

The writ petition is, accordingly, disposed of. There shall be no order as to costs.

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

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 25.01.2016
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