

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.25117 of 2011

ORDER:

Heard Mr. E.V.V.S. Ravi Kumar for petitioners and
Mr. M. Ravindra for respondents 1 to 4.

2 . Petitioners pray for Mandamus declaring the action of respondents 2 to 4 in proposing to lay 'Hi-tension overhead service line' in puntha adjacent to petitioners' lands in Sy.Nos.176/1, 180/3B, 180/4, 180/5, 180/6A, 184/1B, 184/1C, 184/2A, 235/3, 235/A and 169/2B of Patainjaram Village, I Polavaram Mandal, East Godavari District as illegal and against principles of natural justice.

3. On 07.09.2011, this Court restrained the respondents from laying hi-tension line without considering and disposing of the objections raised by the petitioners.

4. Respondents filed a petition to vacate the order dated 07.09.2011. The Assistant Divisional Engineer (Operation)/R4,
in the counter affidavit filed along with the vacate stay petition,
has stated thus:

"4. It is submitted that the one Mudunuri Viswanadha RAju and 19 others registered applications at Mummidivaram call center for new service connection for Prawn culture at Edurulanka Village in I.Polavaram Mandal on 20.05.2011. The site inspection was conducted and at the time the 1st petitioner and others raised site dispute and said fact was intimated to Sri M. Viswanadha Raju and others. They again submitted application to the grievance cell at District Collector's Office vide reference No. (1) Thasildar I. Polavaram R.C.No.158/2011 dt.08.04.2011, (2) RDO/Amalapuram and (3) Memo No.De/O/AMP/A.A/E-TECH/F.No./D.No.336/11 dt.13.07.2011 again site inspection was conducted along with Divisional Engineer/Operation and 1st petitioner and others also registered a complaint at "SPANDANA" Visakhapatnam Vide D.No.1414/11 dt.08.08.2011.

5. It is submitted that, while so the above said Viswanadha Raju and others gave a letter to the department undertaking to sought out the dispute raised at their level and requested the department to prepare the estimate in Turn – Key basis. Accordingly estimate was prepared and sanctioned vide CR-361/2011-12 dt.09.09.2011, and the sanctioned amount was Rs.62,92,381/-. The sanctioned Turn-Key amount Rs.12.92,933/- was intimated by intimation Lr.No.Mgr/CSC/MMD/F.No.572/11 dt.10.9.2011 but till now no payment was received, it is also learnt that Sri M. Viswanadha Raju expire. Sine no payment was made the question of execution of work does not arise.”

5. From the above, it is clear that the necessity even to consider the objections of petitioners is avoided, for the beneficiary viz.

M. Viswanadha Raju has not complied with the condition imposed by the department.

By placing on record the stand taken by the fourth respondent, the writ petition is closed as no further order is necessary. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

June 17, 2016
DSK