

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

-
PUBLIC INTEREST LITIGATION No. 317 of 2015

Date: 14.03.2016

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Between:

Alla Rama Krishna Reddy.

... Petitioner

And

The State of A.P., rep. by its Principal Secretary,
Irrigation & CAD Department,
Hyderabad & others

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

PUBLIC INTEREST LITIGATION No. 317 of 2015

—
PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard Sri P. Sudhakar Reddy, learned counsel for the petitioner, and Sri D. Ramesh, learned Government Pleader for the respondents.

This public interest litigation was filed on 06.10.2015. The prayer made in the petition reads thus:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in allowing 4 wheeler vehicles and heavy loaded vehicles to ply on the Prakasham Barrage, Bridge road, Vijayawada, Krishna District, as illegal, arbitrary, unconstitutional and contrary to the Memo No.2848/PW.ML-VJI/A2/2009, dated 12-02-2009, issued by the 1st respondent and consequently direct the respondents not to allow any 4 wheeler vehicles including heavy vehicles to ply on the Prakasham Barrage, Bridge Road, Vijayawada, Krishna District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Sri Sudhakar Reddy, learned counsel for the petitioner, at the outset, invited our attention to Memo, dated 12.02.2009 (Annexure P2), to contend that despite the specific directions prohibiting heavy vehicles, the respondents are allowing such vehicles on Prakasham Barrage. The relevant portion of Memo reads thus:

“Under the circumstances explained in the letter 2nd cited and in view of the recommendations of the Technical Expert Committee on Prakasam Barrage, the following instructions are issued in respect of traffic restrictions on Prakasam Barrage.

- 1) Only 2 and 3 wheelers (passenger vehicles and cars shall be allowed over the Prakasam Barrage Bridge Road).
- 2) The Road bridge existing about 2 kms downstream side of the Prakasam shall be used for other vehicular traffic.
- 3) The Engineer-in-Chief (Irrigation is directed to take necessary action on the above, accordingly in consultation with District Collectors of Krishna and Guntur Districts and with due diligence.”

In reply to the averments in the writ petition, the respondents in paragraph 7 of the counter affidavit have stated thus:

“In as much as a new capital for the State of Andhra Pradesh is located in a stone throw distance from the said place. Since the Hon’ble Chief Minister has camp office is close by, a request was made by the Irrigation Officials to the Commissioner of Police, Vijayawada City to accord permission to allow identified trucks to ply on the barrage for a period of 11 days from 09.09.2015 to 19.09.2015 in the first instance and further requested to extend for another 11 days from 22.09.2015 to 02.10.2015 respectively. In response to the same, the Deputy Commissioner of Police issued proceedings according permission to ply identified vehicles on the barrage. The copies of the said permissions are filed herewith and it may be read as part of this counter affidavit. This would result in modernization of the existing barrage. I humbly submit that the deponent to the affidavit filed in support of the writ petition, who is a Hon’ble Member of the Legislative Assembly, wants to stall the same. The Hon’ble constitutional Courts have deprecated the same. The constitutional Courts are not meant for cleaning the dirty linen in the political parties as per judicial verdicts.”

Sri D. Ramesh, learned Government Pleader, submits that permission, as stated in the aforementioned paragraph, was granted to the identified heavy vehicles to ply on the barrage for the period between 09.09.2015 and 19.09.2015 and then from 22.09.2015 to 02.10.2015 and that too for a specific purpose. He submits that heavy traffic is not allowed on the barrage as alleged

and once in a while they allow the identified trucks on the barrage.

In view of the statements made on affidavit, we do not find any reason to keep this public interest litigation pending any further. Hence, the public interest litigation is disposed of.

Miscellaneous petitions, if any, shall also stand disposed of.

DILIP B.BHOSALE, ACJ

P.

NAVEEN RAO, J

Date: 14.03.2016
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