

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.9059 OF 2016

ORDER

The prayer of the petitioner in this case is as under:

‘For the reasons stated in the accompanying affidavit the petitioner pray that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of **WRIT OF MANDAMUS** declaring the action of respondents in insisting the petitioner’s to vacate from a portion of his site property admeasuring 360Sq.Yds in Survey Number 357/6 at Nagambotlapalem Revenue Village in Thallur Mandal of Prakasam District for the purpose of widening of road leading from Ganagavaram village to Boddhikurrapadu village as illegal, irregular, irrational without any authority of law and violative of Articles 14,21 and 300A of Constitution of India and consequently direct the respondents not to interfere in any manner with the petitioner possession over any portion of his aforesaid site property and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.’

Written instructions dated 19.03.2016 were furnished by the Superintending Engineer (Roads & Buildings), Ongole Circle, to the office of the learned Government Pleader for Roads and Buildings, wherein he stated that the work relating to providing CC pavement and drains in Ayyalapalem and Boddikurapadu Villages in Prakasam District was sanctioned under G.O. Rt. No.154 dated 27.03.2015. Tenders were called for in relation to this work and the same was entrusted to one K.Chandra Sekhara Babu, Contractor, under agreement dated 20.07.2015. The date fixed for completion of the work is 19.07.2016. As per the local enquiry in Ayyalapalem Village limits, the road would pass only through Grama Kantam lands and the Mandal Surveyor was deputed to fix the road boundaries in this regard. For grounding the work, the Field Officers of the Roads and Buildings Department were stated to be making an inspection in consultation with the revenue authorities. The Superintending Engineer further stated that the work would be

grounded within road boundaries and wherever sufficient width is not available, suitable measures would be taken as required. The Superintending Engineer asserted that the writ petition had been filed on mere apprehensions and the issue was still at a premature stage.

The aforestated stand of the Roads and Buildings Department is taken on record. In the light thereof, no adjudication is warranted in this writ petition. In the event the State authorities require to widen the existing road and need to utilize any private property, they shall follow the due procedure laid down by law.

Subject to the above observations, the writ petition is closed. Pending miscellaneous petitions shall also stand closed. No order as to costs.

SANJAY KUMAR, J

21st MARCH, 2016

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