

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.2206 of 2016

Date:27.01.2016

Between:

Siddhartha Academy of General and
Technical Education, Vijayawada,
reptd., by its Secretary-P.Lakshmana Rao
and two others.

..... Petitioners

And:

The State of A.P., reptd by its Principal
Secretary, Municipal Administration
Department, Hyderabad and another.

.....Respondents

Counsel for the Petitioners: Mr. Vedula Venkatramana
Senior counsel
For Mr. A.Laxminarayana

Counsel for Respondent No.1: GP for Municipal Admn. (AP)

The Court made the following:

ORDER:

This Writ Petition is filed by an autonomous educational institution feeling aggrieved by the proposal to lay road by respondent No.2 by converting an old defunct irrigation channel passing through the premises of the petitioners.

For disposal of this Writ Petition, detailed facts need not be recorded. However, it will suffice to note that respondent No.2 is proposing to lay a road to connect

National Highway No.65-Machalipatnam-Vijayawada by converting the old irrigation channel, passing through the petitioners' premises, which is presently stated to have become defunct and is being used as a drainage canal. On coming to know about this proposal, the petitioners made a representation on 05.01.2016 to respondent No.2 suggesting some alternatives.

In the affidavit, filed in support of the Writ Petition, the petitioners pleaded that apart from all those alternatives shown in the above-mentioned representation, they are also prepared to give away their own private lands for laying the road instead of converting the defunct irrigation channel into a road.

At the hearing, Mr. Vedula Venkatramana, learned senior counsel appearing for the petitioners, has reiterated the said plea.

Mr. D.Ramesh, learned Standing Counsel for respondent No.2, submitted that the offer made by the petitioners is not reflected in the representation, dated 05.01.2016, submitted by the petitioners. He has further submitted that if the petitioners make a fresh representation in this regard, respondent No.2 will consider the same and take a decision thereon.

In the light of the above facts, the petitioners are permitted to make a fresh representation to respondent No.2 projecting all the alternatives including their offer to give away their private land for laying of the road within two weeks from today. On receiving such representation, respondent No.2 shall consider the same and also give an opportunity of personal hearing to the representative of respondent No.1-institution before taking a final decision. Respondent No.2 shall not proceed with laying of the road till it takes a decision after following the afore-mentioned procedure and communicate the decision to the petitioners.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition,

WPMP.No.2792 of 2016 shall stand disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*27th January, 2016
DR*