

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

PUBLIC INTEREST LITIGATION No.5 of 2013

Dt:08.02.2016

Between:

Pragathi Pariyavarana Parirakshna Samithi and others.

... Petitioners

And

Union of India and others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT
PUBLIC INTEREST LITIGATION No.5 of 2013**

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

Mr.P.S.Narasimha, learned Additional Solicitor General, appearing for the National Highways Authority, invited our attention to the affidavit, dated 05.02.2016, of the Project Director, National Highways Authority of India, Project Implementation Unit-Vijayawada, in particular, paragraphs 5 to 9 thereof, and submitted that in view of the averments made in the affidavit, nothing further survives in the PIL.

The contents of paragraphs 5 to 9 of the affidavit, dated 05.02.2016, read thus.

“Without referring to the various writ petitions, it is stated that the NHAI has taken a decision under the Concession Agreement to delink 6-laning of existing road through Chilakaluripet town from the scope of the ongoing Concession Agreement a stretch of 14.5 KM near Chilakaluripet town which fall for expansion under the original Concession Agreement. A copy of the said decision dated 07.05.2015 for delinking the said stretch is attached herewith and marked as Annexure R-1. In view of delinking of 6-laning of existing road of 14.5 KM, the NHAI is also not continuing with the 6-laning for the particular stretch.

It is further pertinent to submit that subsequently upon delinking of the aforesaid stretch of 14.5 KM, the

Independent Engineer vide its letter dated 27.07.2015 has issued the Provisional Completion Certificate for the 6-laning of the Chilakaluripet -Vijayawada section of NH-5 from KM 355.00 to KM 434.15 (Length-82.5 KM) in the State of Andhra Pradesh. It is pertinent to state that the Provisional Completion Certificate has been issued only for 68 KM road stretch in accordance with Article 14.3 of the Concession Agreement and letter dated 07.05.2015 of NHAI. It is further stated that by issuance of the Provisional Completion Certificate, the construction period has come to an end, and no further construction in 14.5 KM existing road through Chilakaluripet town can take place in the ongoing Concession Agreement. A copy of the Provisional Completion Certificate dated 27.07.2015 is attached herewith and marked as Annexure R-2.

Therefore, in view of the aforesaid decision, the grievances of the petitioner that the existing houses/commercial complexes and other buildings would be demolished as a consequence of the expansion, no longer survive.

So far as the construction of the bypass road is concerned, it is submitted that Hon'ble Minister (SRT&H) decided that Chilakaluripet Bypass should be taken up independently and should finally become part of golden Quadrilateral (6 laning) under NHDP.

Government of Andhra Pradesh has also agreed for sharing 25% cost of land acquisition for construction of Chilakaluripet Bypass on NH-5 (new NH No.16), if it is taken up as a stand alone project.”

Keeping in view the contents of the affidavit, dated 05.02.2016, Mr.C.V.Mohan Reddy, learned Senior Counsel appearing for the petitioners, after inviting our attention to the letter, dated 07.05.2015 and letter, dated 13.01.2016 bearing No.NHAI/Tech/30030/GM (AP)/2010/1090 of the National Highways Authority of India, does not press this PIL and seeks liberty to the petitioners to file fresh petition, if the circumstances so demand.

PIL is disposed of as not pressed with liberty as prayed. All contentions of the parties are kept open.

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

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:08.02.2016
kdl

