

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17567 of 2017

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the action of the respondents in interfering with peaceful possession and enjoyment of the agricultural lands of the petitioner to an extent of Ac.4.47 cents situated in Sy.No.668/1 of Gogulapalli Village, Alluru Mandal, SPSR Nellore District by giving marking on the said land for the purpose of formation of road without issuing any notice and without following due process of law in acquiring the said land under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as arbitrary and unreasonable and consequently, to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner in respect of the above said land.

Heard and perused the material available on record.

The main grievance of the petitioner is that the Government has sanctioned funds for the purpose of formation of R & B Road and also for construction of bridge near Venkatanarayanapuram passing through the lands covered by Sy.Nos.451-1, 460-2, 459-2 and 459-1 upto Ponnepudi Village. But the respondents without there being any permission, changed the plan and taking steps to lay the road in other survey numbers including survey No.668-1.

Today, the learned Government Pleader for Transport, Roads & Buildings filed a counter affidavit denying the allegations of the petitioner. Para 5 & 6 of the counter affidavit reads as under:

“5. It is respectfully submitted that the road alignment was not changed and the work is in progress as per the approved alignment along the existing earthen road without touching the petitioner’s land in Sy.No.668-1. The contention of the petitioner that the alignment is changed is incorrect and baseless.

6. It is further respectfully submitted that during the field visit on 29.05.2017 it was clarified to the petitioner that the road will be laid as per the approved plan and there is no deviation or change from the approved plans. The approved plan is not touching the petitioner’s land in Sy.No.668-1 and not disturbed the peaceful possession of the petitioner and the borewells. The road is planned along the existing earthen road completely falling in Sy.No.460-2, 459-1 and 459-2. The Roads & Buildings Authorities following the due procedure of law in forming the road in Government land only.”

In view of the assertions made in the counter affidavit filed by the respondents, this Court is of the view that no orders need be passed in the writ petition.

Accordingly, the writ petition is closed. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

12.06.2017
Tsr

RAJA ELANGO,J

