

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 19606 of 2017

Order:

This Writ Petition was filed by three residents of Tadepalli Revenue Village in Tadepalligudem Mandal, West Godavari District, challenging the action of the respondents in deciding to establish a garbage dumping yard on the public road covered by Survey No.403/8 in the village by blocking the passage to the petitioners lands.

It is the case of the petitioners that the third respondent does not have any authority to convert the public road as garbage dumping yard. Earlier, when the respondents attempted to assign the public road as house sites by destroying the existing public road, the petitioners filed W.P.No.14847 of 2009 and this Court allowed the said Writ Petition on 03.11.2016 and in spite of the same the respondents are going ahead with their action. It is also their case that nearly 50 land owners would be deprived of their access to their lands situated in about 100 Acres.

Now a counter affidavit is filed by the third respondent stating that there is a Poramboke land in an extent of Ac.5-60 cents situated in Survey No.403/8 and the entire land is not a pathway. The third respondent made a request to the Tahsildar to survey the land of the Grampanchayat situated in Survey No.403/8. On the basis of the said request, a Mandal Surveyor was deputed and he conducted the survey. However, the survey was not completed, but the survey was not conducted for establishing the garbage dumping yard. It is categorically stated that there is no proposal for establishment of any dumping yard as on the date of filing of the counter. The Writ Petition was filed on mere apprehension.

The sixth respondent filed a separate counter affidavit stating as follows:

“Tadepalli village of Tadepalligudem Mandal is declared as Model and Adarsa village under Housing Programme in Phase-III. On verification, it is found that 560 Weaker Section Families are not having own houses or house sites hence it is sought for construction of residential houses to them and accordingly the beneficiaries have been selected duly conducting Survey in the village. In this regard, an extent of Ac.5.05 is required for providing house sites to the houseless poor. Thereby the said schedule site of Ac.5-60 covered by R.S.No.403/8, is suitable. An extent of Ac.0-55 is existing as Puntha Road out of an extent of Ac.5-60 Qts, the remaining Poramboke Ac.5-05 Qts., land of Tadepalli village of Tadepalligudem Mandal is proposed for provide house sites to the Weaker Section People i.e., houseless poor as the land is adjacent to the village site (Grama Kantham) and suitable for construction of Houses and also economy point of view of the Government. The then Tahsildar, Tadepalligudem has inspected the proposed aforesaid land and as well as the Gravel Road is passing through the proposed land from South to North and it is separated the land into two parts. There is no objection or disturbance to the “existing road” as in the existing of 26 feet Puntha Road is widened and extended to 33 feet road to facilitate surrounding ryoths to perform their agricultural operations i.e., to harvest or to place paddy heaps, transportation of their paddy and other agricultural produces and passage to lorries, tractors etc., as it is such 33 feet road provided only farmers, but not a passengers road to go any place. There is no difficulty to either the Gram Panchayat for providing basic amenities to the beneficiaries or adjacent farmers. The Gram Panchayat, Peda Tadepalli also agreed for the land in question is proposed for provision of house sites to the houseless poor. Further, A1-Notice vide this office Roc.No.920/2008/B, dated 01.12.2008, has published inviting objections, if any against the proposed conversion and got published in the Notice Board of Gram Panchayat, Peda Tadepalli and a copy of the same is herewith submitted for kind perusal. Further, conversion proposals were also submitted to the District Collector, W.G, Eluru in this office Roc.No.920/2008/B, dated 19.12.2008 for the proposed land (i.e) out of total Ac.5-60 an extent of Ac.5-05 in R.S.No.403/8 of footpath Poramboke land from “Footpath” Poramboke to “village site” for provision of house sites to the houseless poor and Ac.0-55 Qts., of the remaining footpath Poramboke land is still continued as the existing “Footpath”.”

In view of the above averments, no relief can be granted to the Writ Petitioners in the present Writ Petition. However, the third respondent shall not convert the existing pathway for any other purposes without following due process of law.

The Writ Petition is, accordingly, disposed of by recording the statement that there is no proposal for establishment of any dumping yard as on the date of filing of the counter.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. No order as to costs.

Date: 10.10.2017
Nsr

A. RAMALINGESWARA RAO, J

