

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.24006 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a writ of mandamus or any other appropriate writ or order, direction declaring the action of the Respondents in laying a road through the Petitioners' land in Survey No.565, Ramgopalpet Village, Nangunoor Mandal, Siddipet District (Formerly Medak District) without invoking due process of law or issuing a notice or acquiring the same as per law as arbitrary and illegal and consequently direct the Respondents not to lay a road through the Petitioners' land or consuming the Petitioners' land admeasuring Ac.1-27 gts in Survey No.565, Ramgopalpet Village, Nangunoor Mandal, Siddipet District (Formerly Medak District) without invoking due process of law or acquiring the same by due process of law.”

2. Heard learned counsel for the petitioner and also the learned Government Pleader for Panchayat Raj, representing the respondents 1 to 3 and Sri G.Narendar Reddy, learned standing counsel for the 4th respondent – Panchayat and perused the prayer in the writ petition with supporting affidavit, including the representation of the petitioner acknowledged by the 2nd respondent on 29.06.2017.

3. It is the supporting affidavit, including the representation of the petitioner dated 29.06.2017, that without survey and demarcation of the land of the petitioner in S.No.565, which is a patta land with absolute right, the 4th respondent is laying road unauthorisedly. It is even mentioned that he raised protest and they stopped the same.

4. Having regard to the above, unless the land is part of panchayat road to lay the road, they are not entitled to lay road in the private land, without following due process of law, thereby the respondents are directed to cause demarcate the land and the laying of road if any is other than in S.No.565 of the petitioner, if he establishes his title and otherwise by acquisition by following due process of law.

5. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO, J

27.07.2017
SS