

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.8147 of 2014

ORDER:

Petitioners claim that they are residents of Kanakanalapalli village, Sattenapalli municipality and they are owners of residential plots in Sy.Nos.105, 102, 103 and 104 and ingress and egress to their plots is through Sy.No.180, which is the only access road, called as Donka road and the same is being used for the past 50 to 70 years. Even prior to purchase of said plots by them, the said road was being used for agricultural purpose by villagers of Kanakanalapalli village and the entire road which is called Donka road leads to Kanakanalapalli village and merges at Sattenapalli – Macherla – 100 feet road; the said road has now shrunk to 40 feet and it is being used by residents of Kanakanalapalli village. It is the case of the petitioners that Sy.No.196 originally belonged to Sathavahana Cotton Growers Cooperative Spinning Mills Ltd., and it had been closed way back in the year 2002 and even it was constructed beyond the road and the road is being used by residents of Kanakanalapalli village and other colonies abutting the spinning mill and as per the master plan of the 5th respondent, the said road is earmarked as 60 feet road leading to Kanakanalapalli village from Sattenapalli – Macherla – 100 feet road.

Alleging that the road which is laid in Sy.No.196 is being occupied by respondent-A.P. Transco., by fencing the same, though

the same is being shown in the master plan as Sattenapalli – Macherla – 100 feet road, the present writ petition is filed.

On one hand, learned counsel for the petitioners asserts that in the master plan road has been shown as 100 feet road, whereas same is being disputed by the respondents.

Learned counsel appearing for the 5th respondent submits that there is no master plan and the land at present is in Capital Region Development Authority. It is also the submission of the learned counsel for the 2nd respondent that if a direction is issued to the District Collector to decide this issue, interests of justice would be served.

Having considered the nature of dispute which is raised in the present writ petition and as the same cannot be decided in abstract in the facts of the present case, there shall be direction to the 4th respondent-District Collector to examine the respective contentions of the parties and pass appropriate orders. The 4th respondent also may keep in view the provision of a wider road, which would also cater to future requirements especially on account of the growing population and ever-growing traffic. Construction of compound wall a few feet inside by itself does no harm, however, if the construction is made on the road or shrinking the road, in the future, it would become difficult for carrying out expansion. These aspects may also be kept in view by the 4th respondent while deciding the case and the 4th respondent shall take a decision within eight (8) weeks from the date of receipt of this order.

The writ petition is accordingly disposed of.

As a sequel to disposal of the Writ Petition, miscellaneous petitions, if any pending in the Writ Petition, shall stand closed.

CHALLA KODANDA RAM, J

January 4, 2017
MRR

