

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.21937 OF 2017

ORDER:

The case of the petitioners is that the 1st and 2nd petitioners purchased house plots bearing Nos.109/B, 109/C, together admeasuring 68 ankanams or 54.75 Sq.Yards of Rebala Village, Butchireddypalem Mandal, SPSR Nellore District through agreement of sale dated 06.05.2011 from the 3rd petitioner and ever since the date of purchase they are in possession and enjoyment of the said lands. While so, as a part of widening of the Highways, the National Highway Authority is proposing to construct a bus shelter closing the way to reach the petitioners' plots. If the bus shelter is constructed across the approach road to the petitioners' plots, the petitioners will not have way to reach their plots, as their plots are surrounded on all three sides by other plots in the lay out. It is also stated that the National Highways authority has not shown in the plan with regard to the bus shelter at the subject location; and that 50 meters away from the proposed bus shelter, another bus shelter was constructed. Aggrieved by the action of the respondents the petitioners 1 and 2 submitted a representation dated 30.05.2017 to the 2nd respondent requesting to enquire and stop the construction of bus shelter across the access way to their plots. Thereafter the construction of bus shelter was stopped. But, again on 01.07.2017, the contractor's staff dumped some construction material at the site and on enquiry the petitioners came to know that they are

again planning to resume the work shortly. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioners submits that already there is one more bus shelter 50 meters away from the proposed bus shelter, as such there is no necessity for construction of the proposed bus shelter across the approach road of the petitioners' plots.

Learned Assistant Government Pleader for respondents 1 to 3 submits that the construction of bus shelter was completed to substructure level and at this point of time, it is not possible to shift the bus shelter.

It is to be seen that by construction of bus shelter, the ingress and egress to the petitioners' plots cannot be blocked, as without ingress and egress petitioners cannot use their lands. In view of the same, it is for the respondents to consider the said aspect. As stated by the learned Assistant Government Pleader, if the bus shelter cannot be shifted and if it blocks the ingress and egress to the petitioners' plots, the petitioners have to be compensated for the same. Otherwise petitioners would lose their valuable property rights.

In view of the above, the competent authority is directed to consider the representation of the petitioners by taking the above observations into account and take action accordingly. The said exercise shall be done within a period of four weeks from today. Till

then, the respondents shall not obstruct the ingress and egress to the petitioners' plots.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

07.07.2017
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