

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.18882 of 2016

ORDER:

The Writ Petition is filed alleging that the connecting road between Chinnagollapalem Village to the existing Upputeru Bridge, over Upputeru river connecting to Kalipatnam Village, West Godavari District, was being deviated from the original plan.

Initially, though an objection was raised by respondent No.6 and his family members for laying road as per the original plan, subsequently they had expressed no objection for the same. However, respondent No.4, for the reasons best known to him, had proposed an alternate route for laying road.

Now a counter affidavit is filed by respondent No.3, Sri P.Murali Krishna S/o. Rama Murthy, Executive Engineer, Roads & Buildings Department, Machilipatnam, Krishna District, admitting the proposal of laying road. It is stated that, in the proposal submitted for land acquisition on 07.03.2015, approved alignment was straight alignment, and the proposal was approved by the Engineer-in-Chief (R&B) Administration, Hyderabad; initially, a small farmer i.e. respondent No.6 objected for original alignment; taking into consideration the objection raised by respondent No.6, the Revenue Divisional Officer, Bandar, by his letter dated 30.07.2015, modified the proposed straight alignment to

curved alignment; and, taking into account the consent given by respondent No.6 and his family members for original alignment as smaller extent of lands were sought to be acquired, and keeping in view the road safety measures as approved by letter dated 11.09.2015, original alignment was kept intact. It is also asserted that the District Collector, Krishna was informed that the Engineer-in-Chief, R&B Administration, Hyderabad, cancelled the curved alignment of the proposed road.

Though a counter affidavit is filed by respondent No.4 denying that the alignment was changed to suit and benefit certain others with respect to other farmers, it is not necessary to mention any further.

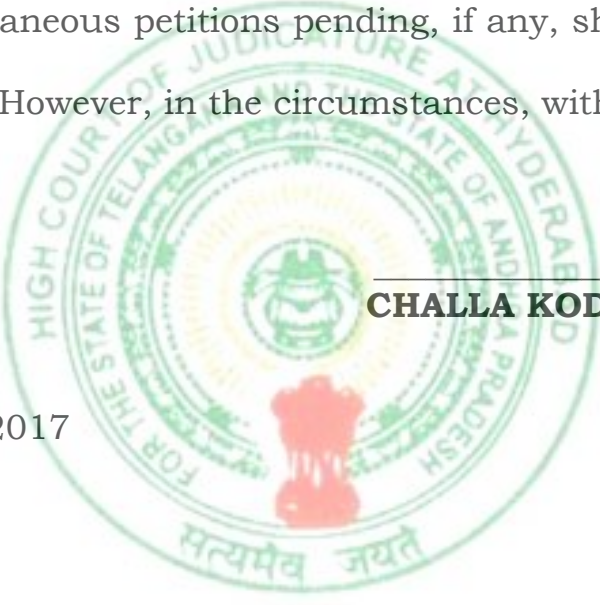
Heard the learned counsel for the petitioner and learned Government Pleader for Roads and Buildings, who reiterated the contentions in the counter.

Notwithstanding the contentions of respondent No.4 – Revenue Divisional Officer, the fact, as on date, is that the technical authorities, basing on the road safety and also taking into consideration the cost involved, had decided to *ad hoc* lay the road in straight line keeping the original plan intact. The same is evident from the counter affidavit filed by respondent No.3. The proposal has also received assent from the Engineer-in-Chief (R&B), Hyderabad. Respondent No.3, being the ultimate authority for deciding the alignment, both

from the cost factor as well as from technical feasibility, his decision has to prevail.

Inasmuch as the petitioner's prayer is only to seek adherence to original plan, the Writ Petition is closed by placing the respective counters and their contentions on record. If, for any reason, any deviation is required to be made, it is always open to the authorities to keep in view the site conditions. This order shall not be construed as putting any impediment on the authorities.

Miscellaneous petitions pending, if any, shall also stand disposed of. However, in the circumstances, without costs.



CHALLA KODANDA RAM,J

Date:07.02.2017
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