

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

HON'BLE MS. JUSTICE J. UMA DEVI

WRIT PETITION NO.9479 OF 2004

ORDER: (per Hon'ble the Acting Chief Justice Justice Ramesh Ranganathan)

The relief sought for in this Writ Petition is to declare the action of respondents 1 to 3 in seeking to lay a road in Annavararappadu village, Ongole in respect of AC.0.42 cts of land in possession of the petitioner society, without following the due process of law, as illegal and arbitrary.

In the counter-affidavit filed thereto 16.07.2005, the Divisional Railway Manager, South Central Railway, Vijayawada has stated that respondents 1 and 2 had a proposal to lay a road in the said railway land for transport of granite blocks; the said proposal of respondents 1 and 2 to lay the road was only at the initial stage; no arrangements were actually made by respondents 1 to 3 to lay the said road; presently the railways are transporting granite stone through the road leading to Surareddipalem railway station; and the apprehension of the petitioners, that respondents 1 to 3 were laying the road through the railway land in Sy. No.46 and 47, was unfounded. It is evident from the counter-affidavit that the petitioner's apprehension, of a road being laid through the railway land, is unfounded, and that the cause in the Writ Petition does not survive necessitating adjudication by this Court.

The Writ Petition is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

Date: 03-08-2017.
MRKR

