

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.2775 OF 2012

ORDER:

Heard Mr.Rudra Prasad for petitioner, Mr.Ravi Chimalapati for respondent No.5 and the Assistant Government Pleader for respondent Nos. 1 to 4.

The petitioner prays for Mandamus declaring the action of respondents in trying to lay road through Survey No.31 measuring Ac.2-00 of Penumarthi Village, Kakinada Rural Mandal, East Godavari District with public funds, as arbitrary, illegal and unconstitutional.

This Court, on 06.02.2012, directed the parties to maintain *status quo*. The grievance was substantially against respondent Nos. 3 and 5.

The Assistant Government Pleader, on written instructions, submits that the proposal to lay a road through subject matter is for the present abandoned. The statement is placed on record.

Counsel for petitioner draws the attention of the Court to the order dated 01.03.2016 allowing W.P. No.17710 of 2012 filed by the petitioner challenging the action of 5th respondent herein in refusing to grant permission to petitioner.

In view of the above circumstances and particularly, having regard to the fact that the 5th respondent so far has not filed counter affidavit, I am satisfied that the writ petition can be disposed of by directing that the respondents shall not change the physical features or lay a road in the subject matter of the writ petition except in accordance with law.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT,J

Date:07.03.2017
Sp

