

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.17392 of 2017

ORDER:

The petitioners pray for the following relief:

“....writ of *mandamus* declaring the actions of the respondents 2 to 5 in arbitrarily trying to lay the road under Mahatma Gandhi National Rural Guarantee Programme without any consent of the petitioners in their agriculture lands to an extent of Ac.3.43 cents in Sy.No.538, Ac.1.85 cents in St.No.539 and Ac.10.85 cents in Sy.No.544, Dry, Total Ac.16.63 cents, Sy.No.539 and Ac.10.85 cents, situated at Thirumalagiri Village of Hanwada Mandal, Mahabubnagar District as arbitrary, unjust, illegal, violative of Articles 14 & 21 and against the principles of natural justice, consequently direct the respondents 2 to 5 to stop the laying of the road from the petitioners agriculture lands to an extent of Ac.3.43 cents in Sy.No.538, Ac.1.85 cents in St.No.539 and Ac.10.85 cents in Sy.No.544, Dry, Total Ac.16.63 cents, Sy.No.539 and Ac.10.85 cents, situated at Thirumalagiri Village of Hanwada Mandal, Mahabubnagar District.”

2. This court, on 25.05.2017 granted interim direction, restraining the respondents from laying road through Sy.Nos.538, 544 and 539 of Thirumalagiri village of Hanwada Mandal, Mahabubnagar District. On 01.06.2017, this court directed the respondents 2 and 3 to place before the court the report or administrative sanction granted for execution of laying road through the Sy.Nos.538 and 539 etc.

3. Learned Assistant Government Pleader places on record, the written instructions dated 15.06.2017. The written instructions read thus:

“...As per the report dt.07.06.2017 submitted by the Mandal Parishad Development Officer, MPP, Hanwada Mandal, the formation of road work has been taken up in the adjacent to the fields of survey No.539, 544 & 538 of Tirumalagiri Village of

Hanwada Mandal and no road work is taken up in the agriculture fields of the petitioners. However, the road work at Tirumalagiri (village) has been stopped pursuant to the directions of the Hon'ble High Court at Hyderabad.

The copies of administrative sanction of the work "formation of the road to agriculture fields under MGNREGS", Reports of MPDO Hanwada are submitted herewith.

I request you to kindly place the above documents before Hon'ble High Court at Hyderabad as desired."

3. Counsel for the petitioner consented to dispose of the writ petition by placing the written instructions on record.

4. The respondents are directed not to interfere with or change the physical features of subject matter of Sy.Nos.538, 539 & 544 of Thirumalagiri Village of Hanwada Mandal, except in accordance with law. The petitioners are given liberty, to proceed in accordance with law against anyone including the respondents herein for loss, if any caused to petitioner before competent court.

5. The writ petition is ordered as indicated above. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 16.06.2017
BSS

S.V.BHATT, J

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16

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