

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 46224 OF 2016

ORDER:

Petitioner prays for the following relief:

“... writ of mandamus declaring the action of the respondents 2 and 6 in trying to interfere and encroach upon the approach road in Sy.No.438 which is laid to reach the petitioner's layout by digging trench under the Mission Kakatiya Programme of Cheruvugattu Kunta of Yellareddyguda Village, Narketpally Mandal, Nalgonda District without notice as illegal and arbitrary.”

At the request of respondents the matter has been adjourned on 29.12.2016 and 03.01.2017 to enable the respondents to place on record their stand in the matter.

The learned Government Pleader places on record written instructions received from 2nd respondent. The relevant portions, which have bearing on the grievance of the petitioner, read thus:

“It is also submitted that the respondents have no objection to develop the land in all respects in Sy.No.420 to 425, 415 to 417 which is located towards northern side of the approach road and western side of the petitioner land but the land situated in Sy.No.47 in Shikham land, this there is no right to the petitioner to occupy the land, and keeping in view of the position only, the Government have accorded sanction to strengthen the bund and weir, so that the farmers cultivating their lands will have to be benefited. Thus, it is respectfully, submitted that the petitioners plea in this regard is made with an malafide and to get benefit by encroaching the Shikham land is illegal and contrary to the natural justice.

It is submitted that it is not fact that the work is not being carried out in illegal methods. The digging of trenches and expansion of bunds are being taken in a scientific manner, without entering into the petitioners land and keeping some malafide intention in mind, the petitioner has approached the Hon'ble High Court and also submitted that there is no loss to the petitioner by taking up this work, sanctioned under Mission Kakatiya Phase-II.”

The stand of 2nd respondent is placed on record. Writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, shall also stand disposed of.

S.V. BHATT, J

Date: 06.01.2017
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