

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.738 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the accompanying affidavit, It is therefore prayed that this Hon’ble court may be pleased to issue a Writ, or Order, or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent authorities in entering the lands owned by the petitioner in R.S.No. 250/1, R.S.No. 253/6, R.S.No. 251/4 total an extent of Ac.1-49 cents situated at Vanapalli Village, Kothapeta Mandal, East Godavari District for putting the stones to lay the road without acquiring the lands as illegal and unconstitutional and consequently direct the respondent authorities not to enter the lands of the petitioner without acquiring them under Act 30 of 2013 while making it clear that the respondents shall not interfere with the agricultural lands of the petitioner without acquiring them and pass such other order or orders as this Hon’ble court may deem fit and proper in the circumstances of the case and in the interest of Justice.”

[Reproduced verbatim]

2. I have heard the submissions of Sri *Rambabu Koppineedi*, learned counsel appearing for the petitioner, the learned Government Pleader for Roads and Buildings appearing for the respondents 1 & 3 to 5, learned Government Pleader for Revenue appearing for the respondents 2 & 6, and of Sri *Ravi Cheemalapati*, learned Standing Counsel, appearing for the respondents 7 & 8. I have perused the material record.

3. Learned counsel for the petitioner would submit that without a notice or following the procedure established by law, a road is being laid in the subject lands of the petitioner.

4. However, learned Government Pleader for Roads and Buildings appearing for the respondents 1 & 3 to 5, on instructions, would submit that no road is newly being laid and that a road is already laid and the road is in existence and, therefore, the petitioner is not entitled to any relief. He further submits that the respondents afore-stated would follow the procedure established by law, in the event there is a requirement of laying a road by entering into the lands of the petitioner.

5. Recording the aforesaid submissions, the Writ Petition is disposed of. However, it is open to the petitioner to approach this Court in case any interference is caused to the lands of the petitioner for the purpose of laying road.

Pending miscellaneous petitions, if any, shall stand closed.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

Date: 4th January, 2018

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