

HON'BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

WRIT PETITION No.4013 of 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

....to pass an order or orders one in the nature of WRIT OF MANDAMUS declaring the action of the Respondent No.2 to 5 are not implementing the impugned proceedings, Lr.No.E1/268/Mncl/Mpty/2018, dated 22.01.2018, issued by Respondent No.6 for change of alignment pipe line from Gopalawada and Thilaknagar to 100 feet Mancherial Master Plan road sanctioned in the year 2012 of Mancherial Municipality, but the Respondents Authority No.2 to 5 are violating the proceedings and non-diverting to the pipe line under the scheme against the and pass such other.....”

2. Heard the learned counsel for the petitioners, the learned Government Pleaders for Municipal Administration and Urban Development and Panchayat Raj for respective respondent Nos.1 to 5 and Sri N.Praveen Kumar, learned Standing Counsel for respondent No.6 and perused the prayer in the writ petition with supporting affidavit and the other material on record.

3. In the affidavit filed in support of the writ petition, it is stated that petitioners 1 and 2 got land of Ac.1.27 guntas and Ac.1.29 guntas respectively in Sy.Nos.250/5 and 250 of Garimilla Village and they are also granted pattadar passbook and revenue title deed respectively by the Revenue Authorities and respondent No.6-Municipality, by letter dated 22.01.2018, is trying to change the alignment of the pipeline from Gopalawada and Tilaknagar to 100 feet Mancherial master plan road sanctioned in the year 2012 under Mission Bhageeratha scheme and respondent No.3-Superintending Engineer, TWDSP(Mission Bhageeratha), by violating the proposed Mancherial outline development plan of 2012 that was made final after objections and enquiry, by

converting other than proposed plan diverting to the petitioners land, which is far away from the proposed plan covered by G.O.Ms.No.320, dated 18.08.2012 and the petitioners earlier filed W.P.No.1256 of 2018 and obtained interim orders for not to divert from the original plan to lay the line running into the lands of the petitioners and they have no other alternative, thereby, constrained to file this writ petition for the relief supra.

4. The counter-affidavit of respondent No.3 on behalf of respondents including the same adopted by the learned Standing Counsel for respondent No.6 from the oral say is that respondent No.3 inspected the site and taken into consideration of the request of the Municipal Council of respondent No.6 regarding slight deviation to the alignment to avoid possible damage of existing pipelines and 95 electric poles and this change of alignment reduces possible damage, thereby, proposed through already existing old public road, which was laid much prior to 2012 and not through proposed 100 feet road in master plan 2012 because of the technical viability and the work is completed at this particular patch of 3.00 K.m. through the old existing road, under the changed alignment and none of the petitioners lands in Sy.No.250/ 5, 250 and 249 of Garimilla Village anyway affected. It is further averred that the present alignment of the pipeline laying in Gopalwada and Tilaknagar of Mancherial Town, since not affecting the existing pipeline, electric poles and C.C. and B.T. road and any patta lands of the petitioners in question in Sy.No.250/ 5/ 1, 250/ 1, 250/ 2, 250/ 6, 250/ 7 and 249 of Garimilla Village and though original Sy.No.249 is not included, but for, by

amendment of the prayer in the writ petition that is also not covered by the alignment and the Sy.Nos.249, 263/ 1, 263/ 2 and 263/ 1 and 249 of Garimilla Village not affected by present alignment apart from Sy.No.250/ 5 and 250 and thereby, the writ petition prayer is misconceived and liable to be dismissed.

5. The learned Government Pleader produced a blue print rough sketch duly signed by the Deputy Executive Engineer, TDWSP sub-division, Mancherial (respondent No.3) and it shows even in Sy.No.249 none of the private lands are affected from the drawing pipeline. Hence, there is nothing more to keep the matter pending, much less, to pass any further orders, but for, to observe if at all any private land of the petitioners is required, the Authorities have to follow the due process of law.

6. Having regard to the above, this Writ Petition is disposed of, in terms of the observation made by this Court on 09.02.2018, which reads as follows:

“.....what the learned Government Pleader for Panchayat Raj submitted is so far as the land covered by Sy.Nos.250/ 5/ 1, 250/ 1, 250/ 2, 250/ 6, 250/ 7, 263/ 1, 263/ 2 and 264/ 1 of Garimilla Village, Mancherial Mandal and District concerned, there is nothing interfering with the private property of the petitioners and the same is recorded.....”

7. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 20.02.2018

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