

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION Nos.5918 & 8976 of 2018

COMMON ORDER:

Since these two matters are inter-related, this Court deems it appropriate to dispose of them by way of this common order.

Heard learned counsel for the petitioners, learned Government Pleader for Panchayat Raj and Rural Development, learned Government Pleader for Land Acquisition and Sri K.Jyothi Prasad, learned counsel for the sixth respondent.

The sum and substance of the grievance of the petitioners, in these two Writ Petitions, is that, despite the existence of two more roads from Parlapadu to Vellela of Rajupalem Mandal, Kadapa District, the respondent-authorities are laying another road through the lands of the petitioners herein.

A counter-affidavit, deposed by the Superintending Engineer, Panchayat Raj-third respondent herein, is filed, contending, *inter alia*, that it is false to state that the respondents are laying the proposed B.T. road through the fields of the petitioners and others. Paragraph No.9 of the counter-affidavit reads as under:

“In reply to para No.9, it is submitted that the respondents are proposing the new B.T. road on the

existing government cart track only. It is false to say that the respondents without following the process of law and without acquiring the lands of the petitioners under the Land Acquisition Act by paying compensation, they are trying to lay new B.T.Road through petitioners lands highhandedly. It is submitted that the proposed B.T. road is only in the government cart track. It is false to say that the respondents have no authority to lay road through petitioners lands without following due procedure under Land Acquisition Act or any other law as the road is not laying in the petitioners property”.

Yet another submission made by the learned counsel for the petitioners is that, despite categorical directions of the State Government vide Memo No.32023/229/Progs.I/A2/2017-1, dated 23.11.2017, the respondent-authorities are proceeding with the process of laying road. In fact, along with the counter, a letter bearing No.MG11/DEE II/ NREGS/ KADAPA/ Vellelaa/2018, dated 27.02.2018, written by the Chief Engineer, Vijayawada to the State Government, is enclosed. The operative portion of the said letter, to the extent of its relevance to the present Writ Petition, reads as under:

“Superintending Engineer has stated that old sanctioned work at S.No.1 was laid from Vellela to Parlapadu has handed over to R & B department and Road No.2 belongs to R & B Road. Road No.3 newly sanctioned road, Road No.4 is proposed road by surpanch, Kummarampalli out of that the road No.3 is the shortest road 4.3 km and run through agricultural

fields which is very essential road for the farmers of Parlapaduy, Vellela and Kummarampalli villagers for transportation of Agricultural products and day to day agricultural operations to that effect, the villagers are given representation to execute and complete the work and hence it is useful for three villages and agriculturalists. Regarding road No.5 & 7 are R & B roads and road No.6 is old BT surface road which requires BT reconstruction and same was proposed in BT Reconstructions roads. In the references 5th and 6th cited Smt.M.Subbamma, MPTC, MPP Vice-President, Rajupalem and Smt.Divya Anugna MPP Rajupalem have submitted representations duly stating that the new road work is useful for farmers of Vellela and Parlapadu and requested (copies enclosed) to complete the execution of road.”.

It is significant to note that, earlier when W.P.No.37974 of 2017 was filed before this Court, by some other individuals, against same action, this Court disposed of the Writ Petition by way of an order, dated 27.02.2017, directing the respondents not to interfere with the lands of the petitioners without following due process of law, keeping it open for the respondents to go ahead with the process of laying road, in the existing cart track as per village map.

In view of the above, these two Writ Petitions are also disposed of, directing the respondents not to interfere with the lands of the petitioners without following due process of law, but, however, the respondents are at liberty to go ahead with

the process of laying road, in the existing cart track as per village map. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions in these Writ Petitions, if any, shall stand closed.

A.V.SESHA SAI,J

12th April, 2018
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