

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.25926 OF 2017

ORDER:

Heard Sri Mangena Sree Rama Rao, learned counsel for the petitioners, Sri Chinthapalli Srinivas, learned Standing Counsel appearing for respondent No.6, and Sri Ravi Cheemalapati, learned Standing Counsel appearing for respondent No.7.

2. The grievance of the petitioners in the present writ petition is the alleged high handed action on the part of respondent No.7 in contemplating to convert the petitioners' private cart track into a pucca road without adhering to due process of law.

3. According to the petitioners, they are the absolute owners, possessors and enjoyers of the land situated in Sy.Nos.493/1, 489/3, 490/1, 490/2, 490/3, 490/4, 491/2 and 491/3 of Vedurupaka Village, Rayavaram Mandal, East Godavari District.

4. A counter-affidavit deposited by the Panchayat Secretary of respondent No.7 Gram Panchayat is filed and paragraph Nos.6 and 7 of the counter read as under:-

***“6. It is submitted that, the averments so made in para 5 of the affidavit filed in support of the writ petition are all untenable and baseless. The petitioners herein have not mentioned any allegations specifically against each of the respondents. In so far as this respondent is concerned, there is no role of the Grampanchayat for laying any road and no resolution was passed to the said effect. The Grampanchayat or this respondent has never proposed or laid road and there is no involvement at all to the said effect.*”**

7. It is submitted that, the averments so made in para 6 of the affidavit filed in support of the writ petition are all untenable. As stated above, this respondent has no role or interference or proposal in laying the said road. The petitioner has unnecessarily implead this respondent as party respondent. The writ petition is misconceived, devoid of merits and hence liable to be dismissed against this respondent.”

5. Having regard to the facts and circumstances of the case and nature of controversy, this Court deems it appropriate to dispose of the present writ petition, by placing on record the above said averments mentioned at paragraph Nos.6 and 7 of the counter-affidavit filed on behalf of respondent No.7.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

Date : 04.01.2018
AMD

JUSTICE A.V.SESHA SAI

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