

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.18333 of 2018

ORDER:

This Writ Petition is filed assailing the action of the 2nd respondent in not taking precautionary measures to protect the surrounding properties while proceeding with the blasting process at KM 48/7-8, Mellacheruvu yard, near level crossing, Suryapet despite representations of the petitioner dated 21.02.2018, 26.02.2018 and 21.05.2018.

Heard learned counsel for the petitioner, Smt.N.Shashikala, learned Standing Counsel for Railways appearing for respondents 1 & 2 and learned Assistant Government Pleader for Home.

Counter affidavit is filed by the respondents 1 & 2 denying the averments in the affidavit filed in support of the Writ Petition stating that the representations made by the petitioner have been brought to the notice of the Contractor and advised him to be more careful while executing the work. It is stated that in terms of Indian Railway Standard General Conditions of Contract, the contractors are solely responsible for safe working during execution of works and that the allegations are made against Contractor, but he is not arrayed as a party, as such, the Writ Petition is not maintainable for non-joinder of necessary parties.

Learned counsel for the petitioner submits that after filing of the Writ Petition, no blasting was undertaken by the Contractor.

Learned Assistant Government Pleader for Home appearing for respondents 3 & 4, produced written instructions stating that basing on the contents of the complaint of the petitioner, a notice

dated 23.02.2018 was issued to Teja Constructions, Hyderabad, who is the Contractor and in response to the said notice, the said Teja Constructions issued a reply dated 26.02.2018 stating that during the construction of RUB (Road Under Bridge) activities, there is no damage caused to the nearby house of Smt. Meedagam Padma-petitioner and that no blasting activities are being carried on, but they are breaking the stones by machines.

Learned Standing Counsel for Railways submits that the Railway administration has also informed the Contractor not to undertake any blasting.

Recording the submission of the learned counsel appearing for the parties, this Writ Petition is disposed of. However, if any blasting is carried on by the contractor illegally, without valid permission, the respondents 3 and 4 to take appropriate action, in accordance with law.

There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand dismissed.

A.RAJASHEKER REDDY,J

03-07-2018
kvs



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Date 03.07.2018.

kvs

