

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.17318 of 2017

ORDER:

The petitioners challenge the proceedings of District Collector No.49/17/Plg.1, dated 10.04.2017, according permission to lay a road in Sy.No.45 of Gajapathinagaram Revenue Village, Gangubudi Gram Panchayat, Lakkavarapu Kota Mandal, Vizianagaram District. One of the objections of petitioners is that the District Collector before issuing proceedings impugned in the writ petition did not take permission from Tahsildar/3rd respondent, the Assistant Director of Mines and Geology/6th respondent and the District Forest Officer/7th respondent.

The Assistant Government Pleader on instructions submits that the petitioner do not refer to a provision under any one of the statutes, which makes it obligatory on the part of District Collector to take No Objection Certificate or permission from the authorities referred to above. On the fact of the situation, he submits that the subject mater is recorded in revenue records as hill poramboke and there is no prohibition for laying a road in the land classified as hill poramboke.

I have perused the record and *prima facie*, I am of the view that without reference to provision of law, insisting upon the Collector to obtain No Objection

Certificate from the authorities are referred to above is untenable. However, the Collector has granted permission for works to lay road etc. The petitioners have failed to make out a case for interference under Article 226 of Constitution of India.

Hence, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 30.04.2018
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S. V. BHATT, J

