

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION Nos.13408 & 22848 of 2015

COMMON ORDER:

Heard learned counsel for the respective petitioners, learned Government Pleader for R&B and also learned Standing Counsel for NHAI represented by the learned Advocate General for the State of Andhra Pradesh for respondent Nos.2 to 6 including learned Government Pleader for Revenue for respondent No.7 and the learned Assistant Solicitor General for respondent No.1, Union of India and perused the prayers in both the writ petitions with the supporting affidavits and other material on record and the counter affidavits with vacate petitions of the interim stay orders respectively.

It is the submission of the learned Advocate General representing the respondents vis-à-vis learned counsel Sri Varma for NHAI and Assistant Solicitor General for respondent No.1 respectively that the counter affidavits filed on behalf of respondents Nos.2, 5 & 6 by the Superintending Engineer, R&B Department, NH Circle, Vijayawada, is crystal clear particularly from Paras 6 to 8 that there is already no objection certificate issued by the Chief Engineer, Irrigation irrespective of the tank known as pedda cheruvu is minor irrigation tank or major irrigation tank, for construction of the bridge across the tank and for that there is no requirement of the permission of the AP Pollution Control Board and they are not otherwise touching the tank. In so far as the private properties of the respective petitioners concerned, it is the submission that they are no way taking possession of any of the private properties much less

laying the proposed National Highway road in any private property and if at all anything required they strictly follow due process of law contemplated by NHAI Act, 1956.

Having regard to the above and by recording the same, both the Writ Petitions are disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 30.01.2018
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