

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

MONDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN

:PRESENT:

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

WP .NO:13408 of 2015

Between:

- 1 Madala Thirupathamma, W/o Aswardha Narayana,
- 2 Sanikommu Murali, S/o Venkat Reddy,
- 3 Achyala Nagireddy, S/o Pulla Reddy,
- 4 Madathala Peddakka, W/o Narayana Reddy,
- 5 Macherla Venkatanarsaiah, S/o Ramaiah,
- 6 Chamakuri Nagireddy, S/o Sura Reddy,

..... Petitioners

AND

- 1 The Union of India, Ministry of Road Transport and Highways, New Delhi, Rep. by its Secretary
- 2 The State of Andhra Pradesh, Rep. by its Principal Secretary, Transport Roads & Buildings (National Highways) Department, Andhra Pradesh, Secretariat, Saifabad, Hyderabad.
- 3 The National Highways Authority of India, Rep. by its Chief General Manager, No. 8-2-334/718, Road No. 3, Banjara Hills, Hyderabad
- 4 The Project Director, National Highways Authority of India, Flat No. 21, upstairs SBH, Teachers' Colony, Gurunanak Nagar Road, Vijayawada
- 5 The Engineer-in-Chief (NH), Roads & Buildings Department, Errumanzil, Hyderabad.
- 6 The Superintending Engineer (R&B), Roads & Buildings Department, N.H.Circle, Vijayawada, Krishna District.
- 7 The Competent Authority-cum-Additional Joint Collector, Prakasham District Ongole, Prakasham District.

.....Respondents

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in entering into the petitioner's properties and marking the same to demolish the structures therein and also taking steps to demolish more than 500 houses, 4 Temples, a Mosque and two burial grounds and a drinking and irrigation water tank, which are situated on either side of the road from Kasireddy Nagar to Government Degree College, Pamuru Road, Kanigiri Town, Prakasham District in the name of upgrading the existing R&B Road as NH-565 without initiating any proceedings under the National Highways Act, 1956 and without considering the unanimous Resolution No.90, dt.16.3.2015 passed by the Kanigiri Nagar Panchayat resolving to lay NH-565 in the way

which doesn't touch Kanigiri Nagar Panchayat, as illegal, unjust, arbitrary, vitiated by mala fides, violative of principles of natural justice and also violative of Articles 14, 19, 21 and 300-A of the Constitution of India and contrary to the provisions of National Highways Act, 1956 and consequently direct the respondents to consider the Resolution No.90, dt.16.3.2015 passed by the Kanigiri Nagar Panchayat and lay NH-565 in the way, which doesn't touch Kanigiri Nagar Panchayat;

WPMP. NO. 29206 OF 2015:

Petition under Section 151 of C.P.C. Praying that in the circumstances stated in the affidavit filed in W.P. the High Court may be pleased to stay all further proceedings including the road works in pursuance of upgradation of existing R&B Road as NH-565 from Kasireddy Nagar to Government Degree College, Pionuru Road, Kanigiri Town, Prakasham District, pending disposal of WP No. 13408 of 2015 on the file of the High Court.

The petition coming on for hearing, upon perusing the petition and the affidavit filed herein, order of the High Court dated: 14-5-2015 made in WPMP. No. 17615 of 2015, and upon hearing the arguments of Sri K.R. Prabhakar, Advocate for the Petitioners and of Sri B.Narayana Reddy, SC for Central Govt., for the Respondent No.1, and of the GP for Transport, Roads & Buildings, (AP), for the Respondents No. 2, 5, 6 & 7, and of Sri S.S. Varma, SC for the Respondents No. 3 and 4, the Court made the following.

ORDER:

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“It is submitted by the learned counsel for the petitioner that the respondent authorities are laying the road through a water body popularly called as Pedda Cheruvu of Kanigiri.

In view of that, there shall be interim direction as prayed for.”

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. Two CCs to Sri B. Narayana Reddy, SC for CG, High Court Buildings, Hyderabad (OUT)
2. Two CCs to GP for Transport, Roads & Buildings, (AP), High Court Buildings, Hyderabad (OUT)
3. one CC to Sri K.R.Prabhakar, Advocate (OPUC)
4. one Spare Copy

HIGH COURT

AB
DRAFTED ON 18-8-2015

AVSSJ

DATE: 17-8-2015

ORDER

WP. NO. 13408 OF 2015

INTERIM DIRECTION