

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.7374 OF 2017

ORDER:

Heard Mr.Eranki Phani Kumar for petitioners and
Mr.A.Lakshminarayana for respondent No.2.

The petitioners pray for the following relief:

.....this Hon'ble Court may be pleased to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in attempting to acquire the land of the petitioners in Sy.No.443 444, 445 of Kandi Village Sangareddy Mandal, presently Kandi Mandal of Sangareddy District for the purpose of the proposed 4 Lane Road on NH.161, Sangareddy-Nanded-Akola Road without acquiring the land on the west of the existing Mamidipally road and without any notice on the petitioners being arbitrary unconstitutional and opposed to law besides being capricious, bad and opposed to Art.300A of Constitution of India, with a consequential direction against the 2nd respondent to follow the acquisition procedure for such road widening purely in accordance with the plan as made available to the Revenue authorities by taking the measurements of 240' on either side of the road from the middle of the existing road to Mamidipally by following the provisions of the Right to fair Compensation and Transparency in Land Area Rehabilitation and Resettlement Act 2013 and Rules 2014 (Act 30/2013) and to pass...."

On 06.03.2017, in W.P.M.P.No.9074 of 2017, this Court granted
the following direction:

"It is stated in the affidavit filed in support of the writ petition that as per the sketch prepared by the second respondent-National Highway Authority of India, the Four Lane Projected Road is properly shown taking 120 feet on either side of the road marking from centre of the existing road, however, coming to ground position, the authorities are attempting to take the entire land from the petitioners for laying the road through their property. It is further stated in the affidavit that the petitioners have no objection whatsoever to part with their land by measuring 120 feet from the centre of the existing road.

In view of the above, there shall be a direction to the respondents to proceed with the location of the road in accordance with the sketch already prepared”.

The petitioners refer to annexures P-3 (Page Nos.35 and 38) to show that the alignment of road from NH-9 to Mamidipalli Village is finalized and now there is departure from the accepted alignment of the road. The further objection of petitioners is that a small cart track route is in existence as on date. For the purpose of widening the road into a width of 200 ft, there ought to be acquisition of equal extent on either side of the cart track road. Hence, the writ petition.

The 2nd respondent filed counter affidavit and explained the technical details for finalizing DPR and has placed on record the plan accepted by the competent authority which is being implemented for widening the road. The same is marked as annexure R-5 (Page Nos.98 & 99). According to 2nd respondent, the proposed road passes through Sy.Nos.443, 444, a portion of 433 and 432. The learned counsel for petitioners submits that the plan placed as one of the annexures if is implemented on ground, the petitioners do not have objection. The statement is placed on record.

The writ petition is disposed of. The respondents are given liberty to proceed with the acquisition after taking note of above observation. There shall be no order as to costs.

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

S.V.BHATT, J

27th April, 2018
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