THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.3283 of 2019

ORDER:

The prayer of the petitioners in this case reads as under:

> 'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the highhanded and arbitrary action of the respondents herein in trying to widen the existing 20 feet road to 100 feet road from Karasgutti road to Dolanaik Thanda through the petitioners land mentioned and described in annexure-I without acquiring the same or without issuing any notice or without following due process of Law as being illegal, arbitrary, unconstitutional and violative of Articles 14, 19, 21 and 300-A of the Constitution of India and consequently direct the respondents not to proceed with the widening of road without following due process of Law.'

As the matter was moved by way of a Lunch Motion on 18.02.2019 and the allegation of the petitioners was that the panchayat authorities were undertaking the road widening illegally, Sri K.Ramachandra Reddy, learned counsel representing Sri G.Narender Reddy, learned counsel for the seventh respondent-Gram Panchayat, was asked to get instructions.

Today, Sri K.Ramachandra Reddy, learned counsel, would inform this Court that the subject road work is being taken up by the Tribal Welfare Department of the State and not by the panchayat authorities.

Learned Assistant Government Pleader for Revenue would further inform this Court that as per the letter dated 16.02.2019 addressed by the Assistant Engineer, Tribal Welfare, Hyderabad, to the Tahsildar, Sanga Reddy, only the existing road formed by the Panchayat Raj Department was being strengthened by carted earth and no excavation was taken up beyond the required width of the road.

Perusal of the array of the parties in this case demonstrates that the Tribal Welfare Department of the State is not impleaded. In the absence of the Tribal Welfare Department, this writ petition cannot be adjudicated.

The writ petition is accordingly dismissed leaving it open to the petitioners to file a fresh case against the concerned department, if so advised.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

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JUSTICE SANJAY KUMAR

Date:19.02.2019

Note:
Furnish C.C. today.
(B/o) GJ