

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.361 OF 2020

DATED : 08.01.2020

Between :

Smt N.Bhagyasree, W/o. Sri N.Vishnuvardhan Reddy,
Hindu, Aged 42 yrs, Occu : Sarpanch,
Ananthapur Grampanchayat,
Gadwal Mandal and District,
Telangana State

..... Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
R & B Department,
T.Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Roads & Buildings for respondents 1, 4, 5 and 6 and learned Government Pleader for Revenue for respondents 2, 3, 7 & 8.

2. Petitioner is the Surpanch of Ananthapur Gram Panchayat, Gadwal Mandal and District. She claims to own Ac.2-24 cents of land in Sy.No.441 of Puduru Village, Gadwal Mandal and District and her husband owns land to an extent of Ac.17-25 guntas in the said survey number. This writ petition is filed alleging that the respondents are laying road by following zigzag manner and without following due process for acquisition of private properties for public purpose.

3. According to learned counsel for the petitioner, the land of petitioner and her husband are abutting, where the road is proposed. The petitioner being a Sarpanch of the Village, having noticed that road is being formed in a zigzag manner which might result in road accidents, suggested to the authorities to re-align the contours of the road and then only undertake laying of road work.

4. Learned Government Pleader points out that petitioner earlier filed W.P.25831 of 2019, alleging that the respondents therein high-handedly destroyed the petitioner's paddy crop which is ready to harvest, in the land in Sy.No.441, without following the due process and the same is illegal. This Court granted relief on harvesting the crop. He, therefore, submits that the present writ

petition is not maintainable. He further submits that the subject road is not a new road, but road is being laid on the existing road.

5. From a reading of the order passed by this Court in W.P.No.25831 of 2019, it is seen that petitioner alleged that the police high-handedly entered into the petitioner's land in Sy.No.441 and engaged a bulldozer to lay the road over the standing paddy crop. The order also records the contentions that the 3rd respondent, proposed formation of unapproved road from 0 kms to 1½ km from Itikyala (via) Janagampally, Puduru, towards Ananthapuram Village through the petitioner's land, as if there is no land in Pudur village for laying road, that the authorities were unable to show the boundaries for the thorough-fare and thus encroached the petitioner's land. By placing on record the Village map the Court was informed by learned Standing Counsel representing the Gram Panchayat, existence of old Panchayat Raj road abutting to Sy.No.58, on one side, and Sy.No.441, on the other side and that existing road vested with the 3rd respondent vide G.O.Ms.No.1, dated 07.01.2014, and that it is upon such vesting, the 3rd respondent has taken up the work of developing the said road. The Court was also informed that the petitioner had actually extended the cultivation area beyond the extent of land owned by her, ploughed the land which was earmarked as road and that the 3rd respondent was laying the road as per R & B norms.

6. The Court verified the village map and noticed that there existed a road in between the Sy.Nos.58 and 441 and, therefore, rejected the claim of the petitioner that no road existed earlier and the authorities have encroached on to the land of the petitioner.

The writ petition was disposed of, taking note of the standing crop, granting four weeks time for the petitioner to harvest the standing crop, and thereafter to lay the road.

7. Having regard to this factual background, I do not see any merit in the writ petitioner again coming to this Court, this time taking a different plea i.e., the road is not formed in proper manner; in a zig-zag manner and the road alignment should be changed. This plea was available when the earlier writ petition was filed. Moreover, as stated before this Court in the earlier writ petition and also now that there is an existing road and development activity is taken up only on the existing road. Thus, it is not a case of formation of new road. The petitioner could not have multiplied the litigation and instituted writ petitions one after the other, as if a different cause of action arose. Writ Petition merits no consideration.

8. Accordingly, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

8th January, 2020
Rds