

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2928 OF 2020

ORDER:

Heard learned counsel for the petitioners, learned Standing counsel for respondents 1 to 3 and learned Government Pleader for Revenue for respondents 4 to 6.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring the action of Respondents in laying Railway underpass on the road leading from Shamshabad Village to Gollapalli Kalan Village in Shamshabad Mandal of Ranga Reddy District without providing access to the properties of petitioners viz land admeasuring Ac.0.14 gts in Sy.No.40/A3 of Thondapalli Village belonging to first petitioner land admeasuring Ac.1.15 gts in Sy No 44 of Thondapally village land admeasuring Ac.3.06 in Sy.No.180 of Shamshabad Village and land admeasuring Ac.2.30 gts in Sy.No.104 of Gollapalli Kalan Village in Shamshabad Mandal of Ranga Reddy District belonging to second petitioner including Kishanguda graveyard as illegal arbitrary without jurisdiction and ultra vires Section 24 of A.P (TA) Land Revenue Act 1317 Fasli and Sections 13, 16 & 17 of Railways Act, 1989 and to consequently direct the Respondents to provide right of way to the petitioners to their above properties and Kishanguda Graveyard in the event of Respondents going ahead with construction of Railway Underpass at Level Crossing No.14 at Thondapally Village in Shamshabad Mandal of Ranga Reddy District; Award costs and pass.....”

It has been contended by the petitioners that the respondents are laying railway underpass nearby the petitioners' lands and with the construction of the railway underpass, their rights for ingress and egress to their lands is infringed. They

further contend that as per Section 16 of the Indian Railways Act, 1989 (for short 'the Act'), respondents must leave clear passage to the land owners whose lands are situated in and around the railway lines. But the respondents contrary to the said Section are laying the railway underpass.

Therefore, learned counsel for the petitioners contends that appropriate orders be passed in the writ petition directing the respondents to provide passage to the petitioners' lands in terms of Section 16 of the Act.

Learned Standing counsel appearing for the respondents on instructions contends that without infringing the rights of the petitioners, a clear passage has been provided to the petitioners' land and the respondents have complied with Section 16 of the Act in true spirit.

This Court, having considered the submission of the learned Standing counsel, is of the considered view that the grievance of the petitioners has been resolved and no further orders are necessary in the writ petition.

Accordingly, this writ petition is closed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 14-02-2020

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