

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.7245 of 2021

ORDER:

Heard the learned counsel for the petitioners, the learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, Sri N. Praveen Kumar, the learned Standing Counsel for respondent No.2, and the learned Government Pleader for Roads and Buildings for respondent Nos.3 and 4. With their consent, the Writ Petition is disposed of at the stage of admission itself.

This writ petition is filed seeking to declare the illegal construction of new heavy Chapta/culvert on the western side of the petitioners' plots in Survey No.103/AA, admeasuring 107 square yards each, situated at Ayyagaripeta Revenue Village, Sathupally Municipality, Khammam District, without considering the representation of the petitioners dated 19.03.2021, as illegal and arbitrary.

The learned counsel for the petitioners has stated that though the petitioners have made a representation dated 19.03.2021 to the respondent Nos.2 to 4 requesting them to change the plan and shift the new proposed canal to another place, the respondent Nos.2 to 4, without considering the said representation, are illegally constructing the new heavy Chapta/culvert on the western side of their plots. Hence, he seeks a direction to the respondent Nos.2 to 4 to dispose of the representation of the petitioners, at the earliest.

Learned Government Pleader for Roads and Buildings, on instructions, has stated that the R&B Department has taken up the repair works to the existing damaged culvert in the R&B road

width (ROW) only, but has not taken up any widening work, and that there is no scope for encroaching the petitioners' land. The learned Government Pleader has further stated that no widening work is being taken up, and therefore, the question of the culvert being closed does not arise. That due to the damage caused to the old culvert, the rain water is overflowing/stagnating on either side of the road and causing damage to the road and also causing inconvenience to the vehicular traffic. That the culvert has become weak and may collapse at any time, and therefore, the official respondents have taken up the repair work.

In view of the above made submissions, the writ petition is disposed of directing the official respondents to consider the representation made by the petitioners on 19.03.2021, and pass necessary orders thereon, strictly in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. The official respondents are also directed to see that during the repair work, no damage is caused to the structures of the petitioners in their private patta lands. It is made clear that the petitioners shall not be dispossessed from their private patta lands.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.ABHISHEK REDDY, J

Date : 26.03.2021.
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