

THE HON'BLE SMT JUSTICE V. SUJATHA

Writ Petition Nos.23742 of 2015

COMMON ORDER:

The present writ petition came to be filed under Article 226 of the Constitution of India seeking the following relief:

"....to issue a writ, order or direction more particularly a writ in the nature of a writ of mandamus a Declaring the action of the respondent no 2 in seeking to dispossess the petitioners and demolish the structures forming part and parcel of 307.50 square yards of land bearing door no 2-10 situated in survey number 45/2 together with RCC roof construction comprising of ground plus 2 upper floors admeasuring 2640 square feet in each floor situated in Dwaraka Tirumala, West Godavari District, Andhra Pradesh as arbitrary and illegal and (b) direct the respondent no.2 to restrain from interfering with the peaceful possession and enjoyment of the petitioners over all that part and parcel of 307.50 square yards of land bearing door no.2-10 situated in survey number 45/2 together with RCC roof construction comprising of ground plus 2 upper floors admeasuring 2640 square feet in each floor situated in Dwaraka Tirumala, West Godavari District, Andhra Pradesh and pass....."

2. The case of the petitioners is that, the petitioners are owners of all that part and parcel of 307.50 Sq.yards of land bearing Door No.2-10 situated in Sy.No.45/2 together with RCC roof construction comprising of ground plus 2 upper floor admeasuring 2640 square feet in each floor situated in Dwaraka Tirumala, West Godavari District, Andhra Pradesh having purchased the same for valuable consideration under registered sale deed Nos.6548, 6549 and 6550 of 2010, dated 11.10.2010 from one Smt.Vasantha

Lakshmi. Since then, they are in peaceful possession and enjoyment of the said property.

3. While the matter being so, the 2nd respondent conducted tom-tom in the locality on 07.07.2015 declaring that the existing road is being widened to 4 lanes and that the work will begin soon by demolishing the existing structures abutting the main road and the owners of the property shall take their valuables and vacate the properties and the said tom-tom was repeated on 14.07.2015 and on 21.07.2015.

5. The learned counsel for the petitioners states that the respondent authorities without following the due procedure tried to evict some of the owners in Sy.No.45, Main Road, West Godavari District, Andhra Pradesh basing on the revised plan and the authorities did not make any verification or public hearing in concluding the alterations. Hence, the private properties were shown as lands belonging to the Roads & Buildings Department. In view of the same, their buildings fall in Sy.No.45 belongs to Roads & Buildings Department and the same would be demolished. Hence, this writ petition.

6. When the matter came up for admission on 30.07.2015, this Court passed the following interim order:

“There shall be interim direction to the respondent No.2 to restrain from interfering with the peaceful possession and enjoyment of the petitioners over all that part and parcel of 307.50 square yards of land bearing Door No.2-10 situated in Sy.No.45/2 together with RCC roof construction comprising of ground plus 2 upper floors admeasuring 2640 square feet in each floor situated in Dwaraka Tirumala, West Godavari District, Andhra Pradesh.”

7. When the matter came up for hearing today, learned Government Pleader has produced a copy of the instructions of the 2nd respondent herein vide Letter No.WP.23742/2015/A7/2022, dated 17.06.2023, wherein, it is stated that, initially, it is proposed by the R&B Department to improve the Bhimadole-Kamavarapukota road to give good road way to the pilgrims who visit Dwarakatirumala. The work “Improvements to Bhimadole – Kamavarapukota road from two lane to four lane in Km 1.700 to 18.00 in W.G.Dist (Working reach from Km 16.80 to 18.00)” was entrusted to M/s Imperial Coastal Infra, Hyderabad on 01.07.2015 in the agreement vide CR.Agt.No.161/2015-16. The firm has completed the work. Due to some court cases, the work was not done in some stretches in the main road of Dwarakatirumala. The Chief Engineer (R&B) MDRs, Vijayawada has accorded permission to close the work in Memo No.381/DCE-R/EE-TEC/DEE6/AEE4/2018 dated 28.11.2019 and the instructions further stated that, because of which, at present, the petitioners’

buildings were not affected for the purpose of the road improvement.

8. Recording the said instructions, this Court feels it appropriate to dispose of this writ petition by directing the respondents to not to interfere with the petitioners' possession, without following due process of law.

9. Accordingly, these writ petitions are disposed of. There shall be no order as to costs.

Miscellaneous petitions, pending, if any, in this Writ Petition shall stand closed.

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THE HON'BLE SMT.JUSTICE V. SUJATHA**(Disposed of)****Writ Petition No.23742 of 2015****Date: 19.06.2023****KGR**