

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 8241 OF 2023

Between:

Goudampally Krishna Kumari, W/o.G.Ramesh, Aged 58 years, Occ.House wife, R/o.H.No.5-4-86, Pasari Ward, Tandur Town and Mandal, Vikarabad District.

...PETITIONER

AND

1. The Union of India, Rep. by its Dy. Secretary, Ministry of Road Transport and Highways (Planning Zone), Transport Bhavan, 1, Parliament Street, New Delhi-110001.
2. The National Highway Authority of India, Rep. by its Director, New Delhi.
3. The Regional Officer, National Highway Authority of India, Regional Office, Road No.3, Banjara Hills, Hyderabad.
4. The State of Telangana, Rep. by its Secretary, Roads and Buildings Department, Secretariat, Hyderabad.
5. The Executive Engineer, Roads and Buildings Department, Vikarabad, Vikarabad District.
6. The Tandur Municipality, Rep. by its Commissioner, Tandur, Vikarabad District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any Writ, order or direction more especially one in the nature of Writ of Mandamus declaring the action of the Respondents in proposing to shift the existing Statue (Sant Sevalal Maharaj) situated at Chincholi Main Road within the Jurisdiction of 6th Respondent in to the Petitioners Plot No.24 in Sy.No.121/UU/1 admeasuring 113.66 Sq. Yards at Ward No.4, Block No.3, Chincholi Road, Tandur Municipality, Vikarabad District under the guise of Road

Widening vide Proceedings of the 1st Respondent in File No.NH-15017/25/2021-P and M, Dt.11-08-2021 for the Stretch work at SI.No.18 on NH-167 N passing through Chincholi Road, Tandur Town, Vikarabad District without consent of the Petitioner and without following due process of law as illegal, arbitrary and against the principles of natural justice and also in violation of Article 14, 21 and 300-A of the Constitution of India and consequently direct the Respondents not to dispossess the Petitioner by interfering with her Plot No.24 in Sy.No.121/UU/1 admeasuring 113.66 Sq. Yards at Ward No.4, Block No.3, Chincholi Road, Tandur Municipality, Vikarabad District under the guise of Shifting of the existing Statue (Sant Sevalal Maharaj) situated at Chincholi Road, Tandur Town, Vikarabad District for the purpose of Road Widening vide Proceedings of the 1st Respondent in File No.NH-15017/25/2021-P and M, Dt.11-08-2021 for the Streach work at SI.No.18 on NH-167 N passing through Chincholi Road, Tandur Town, Vikarabad District without following due process of law .

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents not to dispossess by interfering with the peaceful possession and enjoyment of the Petitioners Plot No.24 in Sy.No.121/UU/1 admeasuring 113.66 Sq. Yards at Ward No.4, Block No.3, Chincholi Road, Tandur Municipality, Vikarabad District under the guise of Shifting of the existing Statue (Sant Sevalal Maharaj) situated at Chincholi Road, Tandur Town, Vikarabad District for the purpose of Road Widening without following due process of law pending disposal of the above writ petition.

Counsel for the Petitioner: SRI. C. HARI PREETH

Counsel for the Respondent No.1: GADI PRAVEEN KUMAR (Dy. SOLICITOR GENERAL OF INDIA)

Counsel for the Respondent No.2 and 3: SRI. PADMA RAO, SC FOR NHAI

Counsel for the Respondent No.4 and 5: GP FOR ROAD AND BUILDING

Counsel for the Respondent No.6: SRI. JAGAN MOHAN REDDY, SC

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.8241 OF 2023

ORDER:

Heard learned counsel for the petitioner, learned counsel appearing on behalf of respondent No.1, learned Standing Counsel appearing on behalf of respondent Nos.2 and 3 and learned Assistant Government Pleader appearing on behalf of respondent Nos.4 and 5.

2. The petitioner has approached this Court, seeking the following relief:

"...to issue any Writ, order or direction more especially one in the nature of Writ of Mandamus declaring the action of the Respondents in proposing to shift the existing Statue (Sant Sevalal Maharaj) situated at Chincholi Main Road within the Jurisdiction of 6th respondent into the petitioner's Plot No.24 in Sy.No.121/UU/1 admeasuring 113.66 Sq.Yards at Ward No.4, Block No.3, Chincholi Road Tandur Municipality, Vikarabad District under the guise of Road Widening vide Proceedings of the 1st Respondent in File No NH-15017/25/2021-P and M dated 11.08.2021 for the Stretch work at Sl. No.18 on NH-167 N passing through Chincholi Road, Tandur Town, Vikarabad District without consent of the petitioner and without following due process of law as illegal, arbitrary and against the principles of natural justice and also in violation of Article 14, 21

and 300-A of the Constitution of India and consequently direct the Respondents not to dispossess the Petitioner by interfering with her Plot No 24 in Sy.No.121/UU/1 admeasuring 113.66 Sq. Yards at Ward No.4, Block No.3, Chincholi Road, Tandur Municipality, Vikarabad District under the guise of Shifting of the existing Statue (Sant Sevalal Maharaj) situated at Chincholi Road, Tandur Town, Vikarabad District for the purpose of Road Widening vide Proceedings of the 1st Respondent in File No.NH-15017/25/2021 P and M Dt. 11.08.2021 for the Streach work at SI.No.18 on NH167 N passing through Chincholi Road, Tandur Town, Vikarabad District without following due process of law and to pass..."

3. Learned Assistant Government Pleader for respondent Nos.4 and 5 brings on record the written instructions issued by the Executive Engineer (R&B) NH Division, Hyderabad and the relevant portion of the said instructions read as under:

"In this connection, it is to submit that the Mahabubnagar - Chincholi section of NH 167N has a Right of way of 50 ft i.e. 15.00m on either sides from centre of the road i.e., total ROW is 100ft (30M). The road construction work at the location of petitioner's plot is being under progress within Right of way of National Highway. The existing statue at km 77/200 LHS is adjacent to the RCC drain which is a part of present highway work. There is no proposal to shift the statue from the present

position. Therefore the petitioner's allegation that the respondents are proposing to shift the existing statue into her plot is a mere hypothecation far from ground reality."

4. It is represented by both the learned counsel for the petitioner and also the learned Assistant Government Pleader appearing on behalf of respondent Nos.4 and 5 that the writ petition could be disposed of by bringing the said written instructions on record which clearly indicate that there is no proposal to shift the statue from the present position into plot of the petitioner.

5. Taking into consideration the submissions made by the learned Assistant Government Pleader appearing on behalf of respondent Nos.4 and 5 and also the written instructions (referred to and extracted above) which are brought on record, the writ petition is closed. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

SDI-V.KAVITHA
ASSISTANT REGISTRAR
//TRUE COPY//
SECTION OFFICER

To,

1. One CC to Sri. C. Hari Preeth, Advocate [OPUC]
2. One CC Sri. Padma Rao, SC for NHAI [OPUC]
3. One CC Sri. Jagan Mohan Reddy, SC for Road and Building[OPUC]
4. One CC to Sri. Gadi Praveen Kumar (Dy. Solicitor General Of India) [OPUC]
5. Two CD Copies

T J
GJP

HIGH COURT

DATED:31/07/2023

ORDER

WP.No.8241 of 2023



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

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14/8/23

[Signature]