

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

WEDNESDAY, THE TENTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI**

WRIT PETITION (PIL) NO: 26 OF 2017

Between:

MR.GAJJALA KANTHAM, S/o.Gajjala Mallaiah, Aged about 37 years, Occ
Social Worker, R/o.H.No.8-3-318/4/D, New Peddamma Colony, Sapthagiri
Colony, Karimnagar District Mobile No.9618957074, PAN No.AIKPG 1 185C,
GAJJALA. KANTHAM Voter ID No.XLH01798610 Email ID gktjacorgmail.com

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Transport, Roads and Buildings Department, Secretariat at Hyderabad.
2. The Engineer-in-Chief, State Roads and Core Road Network Roads, Erra Manzil, Hyderabad
3. The Superintending Engineer, Godavari Valley Circle-IV LMD Colony, Karimnagar
4. The Chief Engineer, Central Designs Organization, Irrigation and CAD Department, Housing Board Complex, Block M3, Opp Care Hospital Road, MJ Road. Nampally, Hyderabad
5. The Superintending Engineer, R & B Department, R and B Circle, Karimnagar
6. M/s.P.Narsimha Rao & Company, Plot No.42, Jayanagar, New Bowenpally, Secunderabad-11 040-27758364 27751472
7. M/s.KSR Constructions, H.No.2-10-2046 Baghyanagar Karimnagar-505001 9849059288

...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 a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus by declaring the action of the Official Respondent No.1 in issuing Order dt.09-08-2016 passed in G.O.Rt.No.393 by granting administrative sanction for laying Public Road by awarding an amount of Rs.60 Crores of public

money by going to contrary to his own undertaking in WP (PIL) No.10 of 2016 Order dt.11-04-2016 that the Government is proposed to construct a Flyover/Elevated Road of 5.2 Kilometers without affecting the accumulation of water in full tank area as well as invited tenders. and issued in favour of the Respondent Nos.6 and 7 and laying road in the submergence of Lower Manair Dam as arbitrary, ex-facie illegal, highhanded collusion, discriminatory, dereliction of duty arising on their part, by giving colourable exercise of their power and consequently may set-aside the said Order dt.09-08-2016 passed in G.O.Rt.No.393 passed by the Respondent No.1 and also its consequential orders including tenders, in the interest of justice

I.A. NO: 1 OF 2017(WP(PIL)MP. NO: 62 OF 2017)

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 suspend the operation of the G.O.Rt.No.393 dt.09-08-2016 including the Tenders in favour of the Respondent Nos.6 & 7 by directing the Respondents not to allow lay any Road in the submergence of Lower Manair Dam, Karimnagar, in the interest of justice, pending disposal of the main Writ Petition

Counsel for the Petitioner: SRI. NAZIR AHMED KHAN

Counsel for the Respondent NOs.1 to 5: ADDL ADVOCATE GENERAL

Counsel for the Respondent NO.6: ---

Counsel for the Respondent NO.7: SRI S V S CHOWDARY

The Court made the following: ORDER

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI**

WRIT PETITION (PIL) No.26 of 2017

ORDER: (per the Hon'ble the Chief Justice Alok Aradhe)

Mr. Nazir Ahmed Khan, learned counsel appears for the petitioner.

Mr. S.V.S. Chowdary, learned counsel appears for respondent No.7.

2. In this petition filed as Public Interest Litigation, the petitioner *inter alia* has assailed the order dated 09.08.2016 passed in G.O.Rt.No.393 by which administrative sanction for laying a public road was granted. The aforesaid administrative approval was challenged *inter alia* on the ground that the said approval has been accorded in contravention of undertaking in the order dated 11.04.2016 in W.P. (PIL).No.10 of 2016.

3. In the instant Writ Petition, the Division Bench of this Court after hearing the parties passed an interim order on 20.06.2017. The relevant extract of the aforesaid interim order reads as under:

“In the light of the submissions of the learned Special Government Pleader that no construction is being made within the FRL area of the LMD, and as it is stated that there is no prohibition in law from improving the old existing road in the buffer zone, we see no reason to interdict the construction in progress. The respondents shall, however, file their counter affidavits within two weeks.”

4. It is not in dispute that the work in question has been completed. Therefore, no effective orders at this point of time can be passed in the Writ Petition.

5. Accordingly, the Writ Petition is disposed of.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

**SD/- V. HARI PRASAD
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Transport, Roads and Buildings Department, Secretariat at Hyderabad.
2. The Engineer-in-Chief, State Roads and Core Road Network Roads, Erra Manzil, Hyderabad
3. The Superintending Engineer, Godavari Valley Circle-IV LMD Colony, Karimnagar
4. The Chief Engineer, Central Designs Organization, Irrigation and CAD Department, Housing Board Complex, Block M3, Opp Care Hospital Road, MJ Road. Nampally, Hyderabad
5. The Superintending Engineer, R & B Department, R and B Circle, Karimnagar
6. One CC to SRI. NAZIR AHMED KHAN Advocate [OPUC]
7. One CC to SRI. S V S CHOWDARY Advocate [OPUC]
8. Two CCs to the Additional Advocate General, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CD Copies

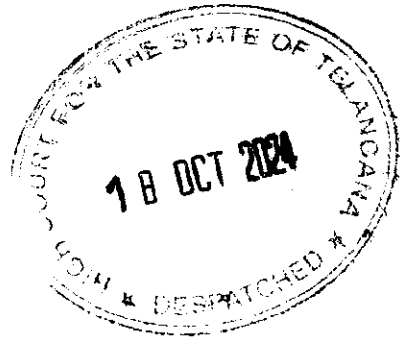
KKS
GJP

HIGH COURT

DATED:10/07/2024

ORDER

WP(PIL).No.26 of 2017



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

⑫ VLV
27/9/24