

(2005) 01 AP CK 0029

In the Andhra Pradesh High Court

Case No : Writ Petition No. 11732 of 2002

Mrs. T. Nirmala and Another

APPELLANT

Vs

Sub Area Commander and Others

RESPONDENT

Date of Decision : 31-01-2005

Acts Referred:

Citation : (2005) 2 ALD 22 : (2005) 2 ALT 537

Hon'ble Judges : Devinder Gupta, C.J;M. Narayana Reddy, J

Bench : Division Bench

Advocate : M.M. Goud, for the Appellant; Deepak Bhattacharjee, for the Respondent

Final Decision : Dismissed

Judgement

Devinder Gupta, C.J.—Petitioners, who are residents of Subashnagar, Alwal, Secunderabad, allege that the residents of the area had been using the road on which the buses are also plying and the road had been in existence for a long time, and the defence personnel are not allowing the repair of the road which was damaged due to rain. Therefore direction is sought against respondents not to stop the plying of buses.

2. Affidavit in reply has been filed by the Quarter Master, MCEME, Secunderabad, stating that there is alternate road available to the residents of the area in question and also for other persons residing in and around the locality. It is stated that security was recently strengthened in the light of the development in the borders with Pakistan and after series of incidents had taken place in various parts of the country involving espionage activities undertaken by I.S.I. agents of Pakistan. Respondents have denied the petitioners right to use the roads which pass through defence area saying that allowing of buses through the aforesaid property would jeopardise the security. MCEME is one of the most important colleges of Indian Army imparting technical education to soldiers, and thus, the area passes through EME Centre and it is not advisable to grant requisite permission.

3. In such like matters when road is passing through defence area, petitioners cannot claim to pass through the defence area as a matter of right. Respondents are at liberty to withdraw the permission granted and put embargo on the free movement in the defence area by the petitioners or other residents of the locality, more particularly when other alternate routes are available. Petitioners have no vested rights and respondents are within their right to withdraw the permission. Writ Petition is misconceived and it is accordingly dismissed.