

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

PUBLIC INTEREST LITIGATION NO.70 OF 2015

DATED:23.3.2015

Between:

Smt. Jaltarapu Appayamma

and others ... Petitioners

And

The State of A.P., rep. by

its Principal Secretary

Revenue Department

A.P. Secretariat

Hyderabad

and others ... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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PUBLIC INTEREST LITIGATION NO.70 OF 2015

ORDER: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

This writ petition has been filed alleging inaction on the part of respondent Nos.1 to 5 in taking proper steps to remove the illegal and unauthorized occupation of the respondent Nos.6 to 21 over the drains on the main road which leads from Rachapalle to Utharakanchi and Vommanji Centre to Sarabhavaram at Vommangi Gram Panchayat, Parthipadu Mandal, East Godavari District. It is further alleged that encroachments have been made by blocking drains by filling with soil and thereby

causing blocking of free flow of the sewerage which is causing severe health problems to the local residents and lot of inconvenience is caused to the pedestrians as well as to vehicular traffic. Repeated representations have been made, but nothing has been done by the concerned respondents.

We have seen the photographs annexed to the writ petition and also the complaint of the petitioners. It appears *prima facie* that there has been unauthorized and illegal encroachments not only on drains, but also on a portion of the road also. It also appears from the photographs that there has been a statue erected in the middle of the road. We are of the view that public roads and drains are meant for use of public and no individual person can block it or encroach it at the cost of public's right. Free flow of drainage water is one of the measure for proper sanitation in the local area. Under these circumstances, we feel that appropriate action is required to be taken by the respondents concerned in accordance with law.

We therefore direct the District Collector, as well as the Zilla Parishad, East Godavari District, to take action jointly for removal of the illegal encroachments made by blocking drains and a portion of road, if any, and also remove the statue from the road and all this shall be done in accordance with law after notifying the unofficial respondents and giving them hearing only. The entire exercise for removal of the encroachments shall be completed within a period of three months from the date of communication of this order and a compliance report shall also be submitted to this Court within four months.

With the above directions, the writ petition is disposed of.

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

Matter to appear in the list four months hence for reporting compliance.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

23.3.2015

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