

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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Writ Petition No.18542 of 2015

ORDER :

The petitioners claim to have purchased the land in Sy.No.996/2 to an extent of Ac.0.03 ½ cents bearing D.No.5/100-B1 in Kolimi Street, Rajampet, Kadapa District in the year 1996. In the year 1998, petitioners have constructed house by obtaining permission from the Gram Panchayat. The said Gram Panchayat subsequently upgraded to Nagara Panchayat. According to petitioners, in the year 2011, the 1st Respondent dug the drainage canal towards the main road i.e., southern side of the petitioners' house, hence petitioners and neighbouring households having the way towards northern side of petitioners' house, using that road for ingress and egress. The petitioners allege that when already digging was made on the southern side, there is no justification to undertake digging on northern side also, which would completely block the way for the petitioner, but, however, under political pressure, the Respondent – Nagara Panchayat is taking up such digging.

The learned counsel for petitioners submits that earlier, when petitioners had similar apprehension, they filed W.P.No.16174 of 2011 and this Court disposed of the said Writ Petition directing the Municipal Commissioner - 2nd Respondent therein to pass orders on the petitioners' representation dated 10-03-2011 and till orders are passed, the Respondents therein were directed not to proceed with digging of the proposed drainage canal. The learned counsel

submits that in spite of the said protection granted by this Court, the Respondents are trying to dig the canal.

As seen from the prayer sought in the Writ Petition No.16174 of 2011, the grievance of petitioners was that the Respondent-Authorities were proposing to dig drainage canal on the North side of the petitioners' house. The Writ Petition was disposed of directing the 2nd Respondent therein to consider petitioners' representation dated 10-03-2011 and till representation is disposed of, the Respondents were directed not to proceed with digging of the proposed drainage canal.

The instant writ petition is filed seeking identical relief as sought in the said writ petition. This Court cannot go on passing orders on the same grievance again and again. In this case no new material is brought before this Court that Respondents are again undertaking digging work without considering the representation dated 10-03-2011, as directed by this Court. As seen from the orders in W.P.No.16174 of 2011, protection was already granted to petitioners against digging of drainage canal. According to petitioners, so far no orders are passed on the representation dated 10-03-2011 submitted by them. Thus, there is no requirement of passing further orders. The instant Writ Petition seeking identical relief as sought in W.P.No.16174 of 2011 is not maintainable.

Accordingly, the Writ Petition is dismissed.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand dismissed. There shall be no order as to costs.

August 13, 2015.
skmr