

HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.38428 OF 2013

ORDER:

This Writ Petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondents in not maintaining 100 ft., wide road of Maddelcheru to Medak District border via Pitlam Road, Nizamabad District, as illegal, arbitrary and contrary to the resolution No.26 of the Gram Panchayat, Pitlam Village & Mandal, Nizamabad District.

2. Heard Sri K.Bheema Rao, learned counsel for the petitioner, learned Assistant Government Pleader for Panchayat Raj & Rural Development (TS) for respondents 1 to 3, learned Assistant Government Pleader for Roads & Buildings (TS) for respondent Nos.4 and 5 and Sri P.Raghavender Reddy, learned Standing Counsel for respondent No.7.

3. Learned counsel for the petitioner submits that the petitioner had made a representation to respondents 3, 4 and 6 on 16.09.2013, requesting them to maintain 100 feet wide road which is passing through Maddelacheru to Pitlam, but the respondents did not take any action so far. He further submits that the petitioner, being one of the residents of that area, is claiming his rights under Article 226 of the Constitution of India and therefore sought a direction to the concerned Government authorities.

4. Learned Assistant Government Pleader, appearing for respondent Nos.1 to 3, submits that the Gram Panchayat, Pitlam had passed resolution No.26 on 10.10.2012 for maintaining the roads in Pitlam Village and, therefore, the Gram Panchayat has to take appropriate action in the matter.

5. Learned Assistant Government Pleader, appearing for respondent Nos.4 and 5, submits that the letter dated 04.12.2013 addressed by the fifth respondent to Sri J.Pratap Reddy, one of the residents of Pitlam Village, reveals that the width of the road is 100 feet and that the roads are being well maintained by the Roads & Buildings Department.

6. Learned Standing Counsel for respondent No.7 submits that since the learned Assistant Government Pleader for respondent Nos.4 and 5 submitted that the roads are being well maintained by Roads & Buildings Department, there is no cause in this writ petition to be considered.

7. The point for consideration in this writ petition is whether the petitioner is entitled for the relief claimed by him for giving directions to the concerned authorities.

8. It is obvious that the Gram Panchayat, Pitlam has passed resolution No.26 on 10.10.2012 as contended by the learned counsel for the petitioner. It is the duty of the Panchayat Raj Department to maintain the roads as per the

resolution passed. The other authorities, which are responsible to implement the resolution passed by the Panchayat, shall coordinate and implement the resolution in accordance with law.

9. Having considered the contentions of both sides, in view of the fact that the petitioner is seeking a direction to implement resolution No.26 passed by the Gram Panchayat, Pitlam, and no particulars were given with regard to the extents inside the village and outside the village except giving the width and length of the roads, no specific direction can be granted in this writ petition, except informing the Government authorities i.e., The District Collector, Nizamabad, the District Panchayat Officer, Nizamabad and the Superintending Engineer, Roads & Buildings, Nizamabad to take necessary steps to consider the resolution No.26 dated 10.10.2012 passed the Gram Panchayat, Pitlam, in accordance with law.

10. With the above observation, the writ petition is disposed of. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed. No order as to costs.

G. SHYAM PRASAD, J

Date: 28.10.2016.
TJMR