

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.31048 of 2017

ORDER:

Heard the learned Counsel for the petitioner.

The petitioner claims to be a resident of Gounumeedi Colony, Buchanpalli Village, Marpalle Mandal in Vikarabad District. It is his case that nearly 30 families are residing in the locality from time immemorial. They have been using the road near the Gram Panchayat Office building for ingress and egress to their colony from the village main road. The seventh respondent was elected as Sarpanch and the petitioner states that the eighth respondent demolished the existing Panchayat Office building and started constructing the Panchayat Office building by encroaching upon the road portion, which is the access to the main road. The petitioner objected to the same and also lodged a complaint in Prajavani to the second respondent and the same was registered as complaint No.45483 dated 17.02.2016. The complaint was forwarded to the third respondent for taking necessary action. Now the petitioner states that only two feet wide access is left to their village main road. The fourth respondent issued a notice on 30.07.2016 informing the petitioner and the Sarpanch of the Village that the fifth respondent would visit the Village and conduct an enquiry on 03.08.2016. Accordingly, the fifth respondent visited the Village on 06.08.2016 and the Panchayat building construction

work was stopped. When the work was commenced again in the first week of October, 2016, they approached the third respondent who promised to take steps for demolition of illegal structures. The petitioner states that all the residents of the colony belong to poor or lower middle class. In those circumstances, they filed W.P.No.39810 of 2016 and the said Writ Petition was disposed of on 18.11.2016 directing the Gram Panchayat to conform to the rules and regulations and byelaws and the petitioners therein were given liberty to represent to respondent Nos.2 and 3 on the construction undertaken. Pursuant to the said order, the petitioner submitted a detailed representation on 09.01.2017 by registered post to respondent Nos.2 and 3. When a contempt notice was issued on 15.07.2017 the petitioner was served with a copy of the order dated 17.05.2017 passed by the second respondent holding as follows:

“In compliance to the orders of Hon’ble High Court issued in W.P.No.39810/16, Dt.18.11.2016 vide reference 4th read above the representation Dt.09.01.2017 of Sri K.Malles R/o.Bachupally has been considered and found that his objection is in correct and false. Since he is having passage as per old Gram Panchayat Building and moreover there is enough passage to him either side of his house as per field level report of the Extension Officer (PR&RD), Marpally Mandal.

The Gram Panchayat Building was constructed as per resolution of Gram Panchayat Buchanpally of Marpally Mandal. No encroachment has taken place in this regard by the Gram Panchayat. It was earlier decided for the construction of Gram Panchayat Building outside the village. But majority of villagers have not agreed for the above. Hence the Gram Panchayat Building was constructed in the place of old Gram Panchayat Building. No hindrance is caused to any villagers in this regard.”

Challenging the said order dated 17.05.2017, the present Writ Petition is filed.

It is clear from the above order that the District Collector (PW), Vikarabad District, took the facts into consideration and passed the said order. If there is any dispute with regard to the facts, it is for the petitioner to approach the civil Court regarding the right of ingress and egress, if it is obstructed. This Court cannot undertake the exercise of enquiry into the facts.

The Writ Petition is, accordingly, dismissed at the admission stage. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

14.09.2017

(A.RAMALINGESWARA RAO, J)

Note: Issue C.C in two days.

B/o.

vs