

THE HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

W.P.No.33008 of 2017

ORDER

Heard the learned counsel for the petitioner, learned Government Pleader of Municipal Administration and Panchayat Raj though Panchayat Raj is not specifically made a party, and also the learned Standing Counsel for the Municipality of Nagari and for the second respondent Panchayat represented by Sarpanch and third respondent Secretary of the said Panchayat M. Kothur and perused the prayer in the writ petition with supporting affidavit and other material.

2. The prayer in the writ petition reads as follows:

“to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of respondents 2 to 4 in proposing to convert the extent of Ac.0.72 cents in RS.No.239/1 of TR Kandriga Village of No.94 Kakavedu Group, Nagari Mandal, Chittoor District, as a dump yard while an I.A.No.821/2017 (for temporary injunction) in O.S.No.186 of 2017 on the file of Senior Civil Judge, Puttur, is pending by taking advantage of interregnum Dasara vacation as illegal, arbitrary and contrary to law and consequently direct the respondents 2 to 4 not to convert the said extent of Ac.0.72 cents in RS.No.239/1 as a dump yard in the interest of justice and to pass necessary order or orders”.

3. The main grievance of the petitioner, by maintaining the writ petition despite pendency of a civil suit in O.S.No.186 of 2017 on the file of the Senior Civil Judge, Puttur, filed by him along with an application for temporary injunction in I.A.No.821 of 2017, which is also pending, is to restrain the Panchayat from converting the land of an extent of Ac.0.72 cents in R.S.No.239/1 of TR Kandriga Village into dump yard which takes away the right of access from the road leading from Nagari Municipality to Kothur Panchayat, to his private property in question, that

as notice was ordered in the temporary injunction petition, taking advantage of the Dasara Vacation to the civil Courts, the respondents are trying to start construction in the so called land identified for dump yard taking away the right of access, which causes public nuisance and obstructs his inherent right of ingress and egress from the public road to his private land.

4. Having regard to the above and as the suit is already pending and as no construction was started, both parties are directed to maintain *status quo* so far as the right of access of the petitioner, if any, existing is concerned, till 09.10.2017. In the meantime, petitioner, after reopening of the civil Courts from the Dasara Vacation, is at liberty to seek for advancement of the injunction petition to pursue his remedy.

5. Accordingly, the Writ Petition is disposed of. No order as to costs.

6. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

27th September, 2017

sj

Dr. B. SIVA SANKARA RAO, J