

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.14062 OF 2009

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a Writ, Order or Direction more particularly a Writ in the nature of Writ of Mandamus declaring the action of the respondents in proceeding with the construction of community hall by blocking the passage/way to the petitioner's House bearing No.1/54, B.C. Colony, Gurujala Village, Nandavaram Mandal, Kurnool District, as illegal, arbitrary, unconstitutional and contrary to the various provisions of Gram Panchayat Act and consequentially praying this Hon'ble Court to direct the respondents to leave 15 ft width passage to reach the houses.”

2. When the matter is called, learned Government Pleader for Panchayat Raj and Rural Development appearing for respondent Nos.1 to 3 submitted that while proceeding with the construction of the Community Hall, the respondents will leave passage or way to the petitioner's house and the same is stated in their counter at para No.6, which reads as under:-

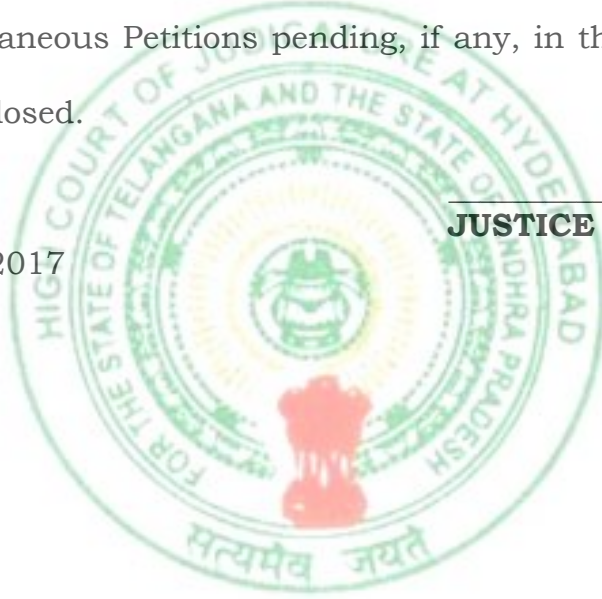
“It is submitted that the Writ Petitioner without following the facts has approached this Hon'ble Court for relief. The petitioner has not furnished any record as a proof to substantial jurisdiction. The Writ Petitioner without verifying and without waiting for further action by the respondents, directly approached this Hon'ble Court as a premature. The Dept. is very much interested to leave passage or way to the petitioner's house. A copy of the same is herewith enclosed which clearly shows that the Dept is clearly presiding for the passage of 15 feet.”

3. It is evident from the counter of respondent No.3 that the respondents will construct the community hall by leaving passage of 15 feet to the petitioner's house. Hence, recording the submission of the learned Government Pleader, this Writ Petition is disposed of. However, the petitioner is at liberty to avail the remedies available to him under law if the respondents fail to leave the passage or way of 15 feet to his house. There shall be no order as to costs.

4. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

Date: 01.09.2017
AMD

JUSTICE RAJA ELANGO



THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.14062 OF 2009

Date: 01.09.2017

AMD