

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 one in the nature of Writ of Mandamus by declaring the action of respondent in not protecting the PASTHA (Sy.No.22, 0.65 cents) in Bakarapet village, as illegal, arbitrary and consequently direct the respondents to demolish the existing structures in Sy.No.22 Bakarapet Village, Chinnagottigallu Mandal, Chittoor District enabling the petitioner to have ingress and egress to his land in interest of justice and pass such other order or orders may deem fit and proper in the circumstances of the case.”

Heard learned counsel for the petitioner and Government Pleaders for Panchayat Raj and Revenue appearing for respondents 1, 2 and 4 and Sri G.Seshadri, learned Standing Counsel offers to file vakalat for respondents 3 and 5 and perused the prayer in the writ petition with supporting affidavit and other material on record.

No doubt, with reference to Sections 96 and 144 of the Panchayat Raj Act, 1994, the Authorities shall maintain the public roads for the use of the public at large. Undisputedly, the petitioner earlier maintained in relation to the matter in issue covered by the so called road margin encroachment O.S.No.103 of 1997, which is in fact a suit for injunction, wherein, out of the two schedules, this *is* covered by Schedule-II and the suit was ended in dismissal including appeal. However, that no way comes in the way for the petitioner to claim abatement of the continuous public nuisance in obstructing right of access from the private

property of the petitioner to the public road to and fro. However, this Court is not in a position to go into the disputed questions of fact in this regard.

Having regard to the above, the Writ Petition itself is disposed of giving liberty to the petitioner to make a fresh representation to the respondent Authorities and they shall consider removal of the road margin encroachments obstructing of the road access to the petitioner from the private property if any and dispose of the representation after its receipt within a period of six weeks after hearing the parties being affected if any, and communicate said order to the petitioner. The petitioner, if at all aggrieved, there is an efficacious civil remedy of maintaining a suit for removal of abatement of such public nuisance and for that, earlier suit no way comes in the way.

Accordingly, the Writ Petition is disposed of.

Consequently, miscellaneous petitions, if any, pending shall stand closed. No costs.

Dr. B.SIVA SANKARA RAO J,

Date:24.07.2017
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THE HONOURABLE Dr.JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.22605 of 2017

DATE: 24.07.2017



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