

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.24267 of 2009

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking to declare the action of the 3rd respondent – Gram Panchayat in proposing to construct a compound wall by closing the 12 feet road out of 22 feet road called as “Pedda Veedhi” situated in 17th Block, Gollaprolu Village & Mandal, East Godavari District, as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioners is that they are all residents of Pedda Veedhi and there is an existing road of 12 feet width. Abutting to the said road, there was a vacant site of an extent of 200 square yards belongs to the 3rd respondent. The 3rd respondent passed a resolution on 27.02.1984 to provide the said vacant land for construction of an elementary School with the funds of Pithapuram Grampanchayat and decided to left 12 feet land by the side the existing road of Pedda Veedhi and accordingly, the School was constructed. The petitioners and other general public are utilizing the said road of 22 feet as public road. While the matter stood thus, the 3rd respondent intended to close the road and proposed to construct a compound wall. Then, the petitioners and others brought the same to the notice of the respondents 1 and 2, and respondents 1 and 2 assured that they will see that the action of the 3rd respect would be stopped. However, on 04.11.2009, the 3rd respondent dumped material for construction of the compound wall. Hence, the present writ petition.

The Panchayat Secretary, Gollaprolu Gram Panchayat - 3rd respondent filed counter stating that the Gram Panchayat never intended to construct any compound wall and they did not dump any material. The relevant paragraph i.e. paragraph No.2 of the counter affidavit reads as under:

"2. I submit that all other allegations in the writ petition are absolutely false. This Panchayat never tried to construct any wall across the road) Pedda Veedhi). Never there was any such resolution. The panchayat did not place any material for construction of compound wall. There is o such necessity also. The panchayat need not close down the road. People are still using both pedda veedhi and road on the East of the school."

Heard and perused the material available on record.

This Court, after perusing the record and also after hearing the arguments, is of the view that nothing survives for adjudication in this writ petition in view of the stand taken by the 3rd respondent in its counter.

Accordingly, the writ petition is disposed of. No order as to costs. Miscellaneous Petitions, pending if any, shall stand closed.

September 08, 2017

KTL

RAJA ELANGO, J

