

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.21140 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to pass an order, direction or writ more particularly one in the nature of writ of mandamus declaring the action of the official respondents more particularly respondent No.3 and 4 in not considering the Representations dated 05.05.2017 and 03.05.2017 submitted by the petitioner wherein he had requested the respondent Nos.3 & 4 not to accord any permission for construction of House in the Plot in Sy.No.788/E, situated at Raikal Village and Mandal, Jagityal District the then Karimnagar District which is situated towards Southern side of Petitioner's Property in favour of respondent Nos.5 & 6 who are illegally occupied the 18 feet wide road by constructing the compound which leads to bye-pass road despite confirming the same by respondent No.3 in his Notice dated 07.02.2010 as it being illegal, arbitrary, unjust and in violation of Sections 96 and 98 of A.P.Panchayat Raj Act and consequently direct the official respondents to remove the Compound wall constructed by the respondent Nos.5 & 6 by occupying the 18 feet Road thereby to restore the said Road for ingress and egress of men and material of general public which includes the petitioner and further direct the official respondents not to accord any

permission for construction to the respondent Nos.5 and 6 while obstructing the free access on the said road and pass such other and further orders which this Hon'ble Court deems fit and proper in the circumstances of the case and in the interest of justice."

2. Heard learned counsel for the petitioner and perused the prayer in the writ petition with supporting affidavit and the other material on record and also heard the learned Government Pleader for Panchayat Raj representing the respondents 1 to 3 and also the learned standing counsel for the 4th respondent – Panchayat, Sri G.Narendar Reddy, who offers to file vakalat from written instructions, before ordering notice to the unofficial respondents 5 and 6.

3. According to the petitioner, despite his representations, the respondents are not acting to remove the encroachment which obstructs the right of access from the public road to his house and vice versa, which is a continuous public nuisance to be abated.

4. The learned Government Pleader says if the petitioner submits a further representation, they are going to consider. Needless to say, it is the duty of the government to prevent such public nuisance of removing any encroachment that obstructs the right of access for which there is no limitation even as per the settled law being a continuous nuisance, while directing petitioner to give a representation in writing by

approaching the 3rd respondent on 07.07.2017 in person and if not received and acknowledged, to send also by registered post and directing the respondents to take appropriate action in disposal of the representation according to law and intimate the action taken thereon to the petitioner in writing, preferably within two months from the date of receipt of a copy of this order.

7. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

29.06.2017
SS

DR.B.SIVA SANKARA RAO,J

