

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.11255 of 2011

ORDER:

The relief sought for in this writ petition is for a mandamus to declare the action of respondents 5 and 6 (Panchayat Secretary and Sarpanch of Mogiligidda Gram Panchayat) in favouring respondents 7 and 8 for construction of latrine rooms in front of the house of the petitioner in the place of the public road of the Gram Panchayat, as illegal and arbitrary. A consequential direction is sought to respondents 5 and 6 not to grant permission to respondents 7 and 8 for construction of latrine rooms.

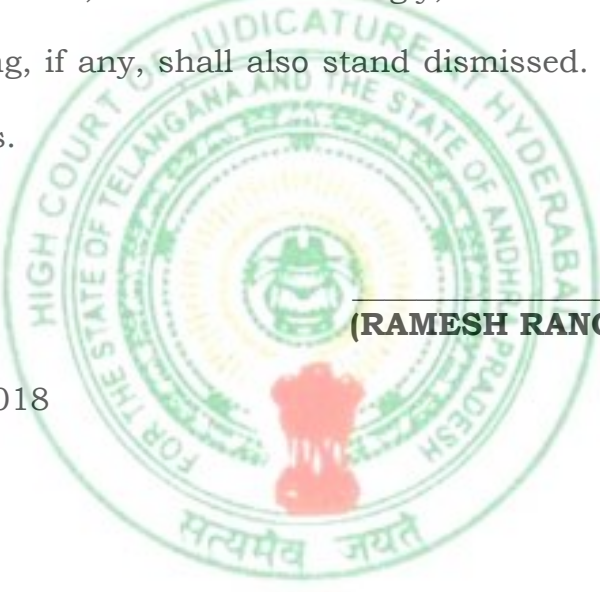
The petitioner's grievance, as is stated in the writ affidavit, is that respondents 7 and 8 are seeking to construct latrine rooms on a public place which stands vested in the Gram Panchayat, and is meant for a public purpose. The said place abuts a public road, which is in front of the petitioner's house, and does not abut the house of respondents 7 and 8; and, though it is not convenient, respondents 5 and 6 were seeking to favour respondents 7 and 8 by allowing them to construct latrine rooms occupying the public road.

In the counter-affidavit filed by the Panchayat Secretary, it is stated that respondents 7 and 8 had filed an application for construction of a house; after inspection of the site, the Gram Panchayat had granted permission on 10.11.2011; initially they had tried to construct some structure in the Gram Panchayat road but, on coming to know about the construction, the Gram Panchayat had stopped the same; as of now there is no such encroachment by the unofficial respondents; if the unofficial respondents, or any other person, starts any construction either on the road margin or on the land of the Gram Panchayat, without the Gram Panchayat permission, action would be taken by the Gram Panchayat; and no permission was

granted by the Gram Panchayat for construction of the latrine rooms on a public road.

It is evident from the counter-affidavit, filed by the Panchayat Secretary, that the petitioner's apprehension of latrine rooms being constructed on the public road belonging to the Gram Panchayat is wholly unfounded, as the Gram Panchayat has not granted permission for construction of latrine rooms on a public road which vests in the Gram Panchayat. As no such construction has been made, we see no reason to keep the writ petition pending on the file of this Court.

The Writ Petition, as filed, is based wholly on misapprehensions and is liable to be, and is accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

19th January, 2018
JSU

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Date: 19.01.2018

JSU