

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**WRIT PETITION No.10153 of 2018**

**O R D E R:**

Petitioner has filed this Writ Petition alleging that the 3<sup>rd</sup> respondent is stopping plying of vehicles on the existing cart tract from Pallicherlapadu to Vadlapudi as notified in the Gazette 1901 under Section 16 of the Madras Forest Act(V of 1882).

2. Petitioner contends that once it is notified as cart tract public have a right of access on it and movement of vehicles cannot be restricted by the 3<sup>rd</sup> respondent and the question of taking separate permission from the Government does to arise. He also contended that under Section 19 of the A.P. Forest Act, 1967 it is obligatory on the part of 3<sup>rd</sup> respondent to provide a convenient substitute to the existing public or private way and without doing so, he cannot stop access through cart tract.

3. The Government Pleader for Forest appearing for respondents 2 to 4 has filed counter affidavit stating that petitioner's representation dt.22.03.2018 made to the 2<sup>nd</sup> respondent has been favourably recommended to the 1<sup>st</sup> respondent to accord permission to the petitioner to use the existing cart tract within the existing Right of Way(ROW) for transportation of road metal and building material duly carrying out repairs and maintenance to a formation width

of 5 yards and that it is now for the 1<sup>st</sup> respondent to take appropriate action.

4. The Government Pleader for Forest further assures that 1<sup>st</sup> respondent will consider the recommendation dt.26.04.2018 of the 2<sup>nd</sup> respondent within a period of four (04) weeks from the date of receipt of a copy of the order.

5. Therefore, this Writ Petition is disposed of directing the 1<sup>st</sup> respondent to consider the recommendation dt.26.04.2018 of the 2<sup>nd</sup> respondent, for providing access to the petitioner on the existing cart tract for transportation of road metal, within a period of four (04) weeks from the date of receipt of a copy of the order and communicate its decision to the petitioner. No costs.

6. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

**M.S.RAMACHANDRA RAO, J**

30<sup>th</sup> April, 2018.  
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