

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

I.A.No.4 of 2019

In/and

WRIT PETITION No.11787 of 2019

ORDER:

This Writ Petition is filed by petitioners, who are owners and possessors of lands/farm plots in Mamidipally village, Balapur Mandal, Ranga Reddy District contending that the only approach road available to the plots owned by petitioners and other persons in the said village is a cart track road connecting Shamshabad – Madimipally road on one side and Jalpally village on the other side; that the said village cart track passes through Sy.Nos.248, 250, 264, 263, 268 etc. and it also passes through Sy.No.240, which is Government land; and Ac.5.00 of land in Sy.No.240/1/5 has been allotted by the State Government to the Ministry of Finance, Customs and Excise Department, Union of India; and that respondent Nos.6 and 7 are making construction of compound wall enclosing the cart track thereby depriving the petitioners of access to their lands. They seek a direction to respondents not to consume any cart track/road which is disclosed by the village map for constructing a compound wall around the same by blocking, obstructing and encroaching into it and seek a direction to respondent Nos.2 to 5 to maintain the existing 33 feet cart track and to direct the 6th respondent not to block the same by constructing a compound wall.

2. Reliance is placed by petitioners on the village map of Mamidipally, which shows a cart track in Sy.Nos.248 and 240/1 of the said village.

3. Initially, on 14-06-2019 in I.A.No.1 of 2019, this Court ordered *status quo* to be maintained with regard to the cart track from Pedda Gollapally village to Jalpally village existing on date.

4. I.A.No.4 of 2019 is filed by 4th respondent to vacate the said order.

5. Counter-affidavit has been filed by 4th respondent, who stated that Ac.3.35 gts has been allotted to respondent Nos.6 and 7. He also stated that in Sy.No.240, there is no cart track or approach road and the question of encroaching cart track does not arise. It is further stated that there is no cart track existing or passing through Sy.Nos.240/1/5 of the said village, which is a sub-division of the land allotted to respondent Nos.6 and 7.

6. This is reiterated by 7th respondent in the counter-affidavits filed by him, but the sketch filed by 4th respondent as well as village map filed by 4th respondent clearly shows existence of a cart track in Sy.No.240/1 and in Sy.No.248; and in the sketch filed by 4th respondent, the cart track is shown as boundary of the land allotted to 6th respondent on Northern and western side. Therefore, the stand taken by respondents that there is no cart track at all in Sy.No.240/1, is not correct.

7. When the allotment of land to respondent Nos.6 and 7 does not include the land covered by cart track, it is not open to respondent Nos.6 and 7 to build a compound wall enclosing the cart track in any manner and obstruct the passage of petitioners and other citizens through the said cart track, whose existence is proved by the village map filed by 4th respondent. If there is any difficulty in identifying the locality of the cart track, it is open to respondent Nos.6 and 7 to approach the 4th respondent, who shall, after giving notice to petitioners, identify the location where the cart track is existing as per the village map, so that respondent Nos.6 and 7 do not make any construction in the area where the cart track is located.

8. The Writ Petition is disposed of as above.

9. Consequently, I.A.No.4 of 2019 is dismissed. No costs.

10. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27-09-2019

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