

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.3498 of 2020

ORDER:

This writ petition is filed to declare inaction of respondents 2 to 5 in not taking steps for demolishing the illegal constructions encroaching on to the public road as illegal, unlawful, *mala fide*, untenable and violative of Articles 14, 21 and 300-A of Constitution of India.

2. Heard the learned counsel for the petitioner, learned Government Pleader for Panchayath Raj for respondents 1 to 3 and Sri G.Narender Reddy, learned Standing Counsel for Gram Panchayath for respondents 4 and 5.

3. A counter on behalf of respondent No.5 is placed on record. As seen from the counter affidavit filed on behalf of respondent No.5, it is stated that respondents 6 and 7 have encroached on to the road towards northern side and have constructed three steps for access to the house bearing Old House Nos.5-93 and 5-94. Further, by the said counter affidavit it is also stated that respondents 6 and 7, who are the owners of the adjoining land and constructed a house therein undertaken to remove the steps to the extent of encroachment after some days, and to that extent they also gave an undertaking to the Gram Panchayath in pursuance of the notices dated 18.12.2019 and 23.12.2019. Further, by their undertaking dated 24.02.2019, the unofficial respondents have sought for six months time to remove such encroachment on the ground that recently a marriage has been performed in the house and it would be inauspicious for removing such encroachment immediately as per the advice of the pandits. Admittedly, the encroachment is on to the road thereby causing obstruction for passage of the public at large.

4. Having regard to the same, since the encroachment is on to the public road, the Gram Panchayath shall take necessary action to remove the encroachment on to the road as indicated in the counter filed before this Court, as expeditiously as possible, notwithstanding, the request made by respondents 6 and 7 seeking six months time, as more than two months time is already over after the Gram Panchayath having issued the first notice dated 18.12.2019.

5. Subject to the above direction, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date:03.03.2020
grk

JUSTICE T.VINOD KUMAR

