

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

WRIT PETITION No.33832 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking the following reliefs:

“ ....to issue a Writ or order more particularly in the nature of writ of Mandamus, declaring the action of the respondent in not laying the pipes and closing the drain which is passing adjacent to petitioners property in Sy.No.1520 of Siddipet town which is the subject matter of Lr.No.G1/ 2294/ 2017 dated 26.08.2017 as illegal and arbitrary and pass such...”

2. Heard the learned counsel for the petitioners, learned Government Pleader for Municipal Administration and Sri N.Praveen Kumar, learned Standing Counsel appearing for respondent and perused the prayer in the writ petition with supporting affidavit, counter affidavit and other material on record including the photos depicting the road and land of the petitioners in between drain used to be a closed drainage through pipelines and made it open even in saying those pipelines were unauthorizedly built by the petitioners and other persons of the shops or land from the road to the properties for crossing the drain.

3. The only issue herein is that the Municipality is entitled to remove the drainage pipes and make it open drain for the free flow of water, they cannot prevent the petitioners and other persons to enter the land from the road in crossing the said open

drain, but for, building a bridge when the Municipality is not prepared to them.

4. The contention of the learned Standing Counsel for the respondent is that the authorities are going to consider a concrete proposal in future is left open and in the meantime the petitioners, by virtue of this order, are permitted to build a bridge of their own to have access from the road to cross and open drain to enter their property and vice-versa, without obstruction for free flow of water in raising the pillars for bridge, if at all required either end and not middle of the drainage.

5. Accordingly, the writ petition is disposed of.

6. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 31.01.2018

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