Glasgow and Carlisle Road Trustees v Tennant

Obstruction of rights of way · https://scotways.com/ken/glasgow-and-carlisle-road-trustees-v-tennant/

Case Report: (1854) 16 D 521

Facts: A private Road Act permitted the Trustees to shut up (and sell) those parts of the road by-passed because of alterations to the road. This would prevent people from avoiding tolls. Aggrieved persons could apply to the local Justices of the Peace to hear and decide any dispute. A new piece of road was constructed and the Trustees then built a wall across a bridge that had carried the old road. Steps were incorporated in the wall for foot passage. Tennant dismantled the wall and the Trustees applied for an interdict.

Decision: The interdict was granted.

Comment: The court was clearly against the self-help approach of the clearance of the obstruction especially when there was a statutory remedy.