

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.35953 of 2012

Dated 19th June, 2015

Between:

Muddam Prasuramaiah and others

...Petitioners

And

The Assistant Executive Engineer, Irrigation Section, Korukollu,
Kalidindi Mandal, Krishna District and another

...Respondents

Counsel for the petitioners: Sri P.N.Murthy

Counsel for respondent No.1: AGP for Irrigation & CAD

Counsel for respondent No.2: AGP for Revenue

Counsel for respondent No.3: Sri C.Hanumantha Rao

The Court made the following:

ORDER:

This writ petition is filed to set aside notice bearing No.84 K, dated 08.09.2012, issued by respondent No.1.

I have heard Sri P.N.Murthy, learned counsel for the petitioners, and Sri C.Hanumantha Rao, learned counsel for respondent No.3.

A perusal of the impugned proceedings shows that respondent No.1 has called upon the petitioners to show-cause why action should not be taken for removal of the house allegedly constructed by them at PWD margin of Kondangi Irrigation Canal (KM 4.451 to KM 4.541).

From the contents of the impugned notice, it is evident that no action for removal of the structure raised by the petitioners has been taken so far and the impugned proceeding is only in the nature of a notice given to them giving an opportunity of explaining why action shall not be initiated for removal of the structure.

In my opinion, as no cause of action has arisen for availing a legal remedy by the petitioners, the writ petition is wholly premature. The petitioners are permitted to submit their explanation to respondent No.1 along with evidence in support of their plea within three weeks from today. On receipt of such explanation, respondent No.1 shall hold an enquiry, wherein he shall give an opportunity to the petitioners as well as respondent No.3, pass an appropriate order and communicate the same to both the parties. Till this exercise is completed, no action for removal of the house shall be taken.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.45700 of 2012 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

19th June, 2015
VGB