

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

Writ Petition No.22365 of 2015

Between:

Vemula Rama Rao,
S/o Venkateswarlu,
Aged about 45 years,
R/o Anakarlapudi Village,
Kondepi Mandalam,
Kandukuru Revenue Division,
Prakasam District.

... Petitioner

and

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State of Andhra Pradesh
Rep. by its Principal Secretary,
Revenue Department, AP Secretariat,
Hyderabad and four others.

... Respondent(s)

DATE OF JUDGMENT PRONOUNCED: 22nd July, 2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| <u>1</u> | <u>Whether Reporters of Local newspapers</u>
<u>may be allowed to see the Judgments?</u> | <u>Yes/No</u> |
| <p style="text-align: center;">-</p> | | |
| <u>2</u> | <u>Whether the copies of judgment may be</u>
<u>marked to Law Reports/Journals</u> | <u>Yes/No</u> |
| <p style="text-align: center;">-</p> | | |
| <u>3</u> | <u>Whether Their Ladyship/Lordship wish to</u>
<u>see the fair copy of the Judgment?</u> | <u>Yes/No</u> |

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THE HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION No.22365 OF 2015

ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader for Revenue representing respondents 1 to 3 and learned Government Pleader for Irrigation and Command Area Development representing 4th respondent.

The present writ petition is moved by the petitioner alleging that respondents 4 and 5 are laying a pipe line through the agricultural land of the petitioner and thereby affecting the crops.

While issuing notices on admission, this Court directed the Government Pleaders representing respondents 4 and 5 to ensure that whether the proposed pipe line is affecting the land and standing crop of the ryths of Anakarlapudi Village, Kodepi Mandal, Prakasam District.

Learned Government Pleader for Revenue submits that he received written instructions from Tahsildar, Kodepi Mandal. It states that under the Lift Irrigation Scheme sanctioned to SCs, laying of pipe line as per the design given by the Irrigation Department is sought to be undertaken. It is further mentioned in the instructions that vide G.O.Ms.60, dt.30.05.2015 the Government has sanctioned Rs.54.02 lakhs for repairs of balance works under Neeru-Chettu Government programme and the sanctioned works were taken up by APSIDC Department. The purpose of laying of pipe line is meant for improvement of dry lands of SCs of Anakarlapudi Village under the above scheme. Primarily SCs were supplied water through temporary canals on surface of the ground for irrigation purpose and they used to raise

wet crops. Subsequently underground pipe line system was sanctioned with a distance of 2 k.m and to some extent the pipe line is already laid with the funds then available. The said pipe line system according to the review of the Engineers of APSIDC is required to be passed through survey No.135-2, 136-4, 5, and 6 with the depth of 6 feet to the surface of the land by running PVC pipes with dais of 1 feet. The petitioner and five other Ryths were given notices on 16.07.2015 to know the consent of the petitioner whether he is willing to run the pipe line or not. Petitioner having accepted the notice, instead of appearing before the Tahsildar and file his objections, straightaway filed this writ petition. It is also stated that laying of pipe line would not cause any damage to the crop and at present there are no dry or wet crops on the petitioner's land and the lands are fallow. The instructions of the Government Pleader also contained estimation of the Chief Executive Engineer and the drawing of the proposed pipeline.

Since the petitioner herein is already served with notice which he has himself filed along with the writ petition, I do not see any reason why the petitioner has not submitted his objections if any to the said notice by approaching the respondent authorities.

The writ petition is therefore disposed of directing the petitioner to file his explanation or objections if any to the said notice on or before 31.07.2015. In such an event, the 4th respondent is directed to consider the said objections and take appropriate decision by passing an order and communicating the same to the petitioner. Subject to the orders passed by the 4th respondent, further work of laying pipe line shall go on. There shall be no order as to costs.

As a sequel, miscellaneous applications pending if any, shall

stand dismissed.

VILAS V. AFZULPURKAR, J

22nd July, 2015.
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