

**FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

Present

WRIT PETITION No.3773 of 2010

P. Sudhakar Reddy, S/o. Late Tirumala Reddy,
Aged about 38 years, Occ: Employee, Dr. Reddys Labs,
Presently working at Miryalaguda Town Nalgonda District,
Permanent resident of Sommireddypalli Village & Post,
B.Mattam Mandal, Kadapa District.

AND

The State of Andhra Pradesh,
Rep. by its District Collector,
Kadapa District, Kadapa & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.3773 of 2010

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ORDER:

This writ petition is filed praying to grant the following relief:

“to declare the in action on the part of the respondent No.2 in not taking steps to close the unauthorized water canal dug by the respondents No.3 & 4 across the land in an extent of Ac.1.63 cents in Sy.No.661 of Sommireddypalli Village, B.Mattam Mandal, Kadapa District, owned and possessed by the petitioner as arbitrary, illegal, abdication of the statutory duty cast on him and violative of the fundamental rights guaranteed to the petitioner under Articles 14, 19 & 21 of the Constitution of India and consequently direct the respondent No.2 to close down the water canal dug by the respondents No.3 & 4 across the land in an extent of Ac.1.63 cents in Sy.No.661 of Sommireddypalli Village, B.Mattam Mandal, Kadapa District, belong to the petitioner.”

2. The petitioner claims to be the owner and in possession of land to an extent of Ac. 1.63 cents in Survey No.661 of Sommireddypalli Village, B.Mattam Mandal, Kadapa District. The petitioner alleges that illegally, respondents 3 and 4 dug canal and drawing water from Telugu Ganga Canal to the land of respondents 3 and 4 through the land of the petitioner and the same is illegal.

3. In response to the notice, respondents 3 and 4 filed

counter affidavit. It is their assertion that the respondents filed O.S.No.182 of 2009 which is pending on the file of Junior Civil Judge, Badvel, wherein the petitioner and others are defendants. The suit was instituted alleging interference with the enjoyment of water canal to irrigate the land of the respondents 3 and 4. It is further averred that an Advocate Commissioner was appointed and the Advocate Commissioner submitted his report in I.A.No.882 of 2009. It is, therefore, contended that on the same subject matter of the writ petition, the suit is pending wherein the petitioner herein being a defendant already filed written statement. The fact of pendency of the suit is not disputed.

4. Having regard to the fact that the subject matter of the writ petition is purely a civil dispute and since the suit is already pending concerning the same issue, leaving it open to the parties to work out their remedies in the pending suit, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,

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Date: 27th January, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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