

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 18342 of 2011

ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents. With the consent of the parties, the writ petition is disposed of at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in not taking action against the illegal encroachments made over Jamathota Kaluva situated at Kodavaluru Village and Mandal, Nellore District, as illegal and arbitrary.

The averments made in the affidavit filed in support of the writ petition would show that the petitioner is a resident of Kodavaluru Village, Kodavaluru Mandal, Nellore District, and was eking out his livelihood by doing cultivation by drawing water from a canal situated in Sy.No.17/2 belonging to PWD. It is stated that the said canal also runs through the land in Sy.Nos.354/2B, 354/B, 354/3B, 254/2A, 353/A, 352/A, 354/A, 354/1 and 354/1A and 1B. While things stood thus, some of the villagers encroached upon the canal and prevented flow of water to the land of the petitioner by making constructions over it. Then the petitioner is said to have made representations to the respondents 1 and 2, but there was no action at their end. Thereafter, one Vinay and two others are said to have made a representation dated 25.09.2010 to the 3rd respondent informing about the illegal encroachments and seeking survey of the land, by paying the necessary charges. In spite of the same, no action is initiated till date. Questioning the inaction on the part of the respondents, the writ petition is filed.

The grievance of the petitioner is that some of the villagers encroached upon the canal preventing flow of water to his land and made constructions over it. Though representations were made to the respondent authorities, but till date no action is initiated by them.

Having regard to the circumstances stated above, the 3rd respondent is directed to enquire into the matter and pass orders on the representation dated 25.09.2010 if it is made and still pending consideration, in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of the order, and communicate a copy of the same to the petitioner within a period of four (4) weeks thereafter.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions pending if any in the writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

19th August, 2015
cbs

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