

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

W.P.No.5243 of 2015

ORDER

Heard learned counsel for the petitioner, Sri Nimmagadda Venkateswara Rao, learned Standing Counsel for R1 and learned Government Pleader for Municipal Administration and Urban Development for R2.

2. This writ petition is filed seeking to declare the action of first respondent in proceeding to lay open drain in the petitioner's land in Sy.No.306 of Markapur Town, Prakasam District, as illegal and arbitrary.

3. The petitioner claims to be the owner of land to an extent of Ac.0.95 cents in S.No.306 of Markapur Town. Due to the border disputes between him and others, the petitioner filed O.S.No.20 of 2013 before the Senior Civil Judge, Markapur and the same is pending. While so, when the first respondent has been proposed to lay open drainage in his land, he gave a notice dated 17.02.2014 to the first respondent. In reply to the said notice, the District Collector addressed a letter to the first respondent to enquire into the matter. It is stated that the Municipality called for tenders to provide open drain near Srinivasa Theatre. When one Bellamkonda Venkateswarlu tried to encroach into his land, he gave a police complaint and after enquiry, police filed charge sheet and the same was numbered as C.C.No.230 of 2006 on the file of Additional Judicial Magistrate of First Class, Markapur. After trial of the said case, the accused was convicted. The grievance of the petitioner is that the respondents are proceeding to construct open drainage canal in his land without following due process of law and

it would diminish the value of his land. Hence, the present writ petition.

4. Learned Standing Counsel for the first respondent Municipality, on instructions, submits that the petitioner made an application for survey of his land and also existing 30 feet canal and the same was referred to the Mandal Surveyor, and until the survey and demarcation of the land of the petitioner is completed, no drainage canal will be laid.

5. In view of the said instructions of the learned Standing Counsel for the first respondent, no further orders need be passed in this writ petition. Hence, the Writ Petition is closed. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

A. RAJASHEKER REDDY, J.

19th March, 2015

sj