

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

WRIT PETITION No.24019 of 2015

Between:

S. Srinivasa Rao, S/o. Late S. Venkata Ratnam,
Aged 57 years, Agriculturist,
R/o. K.C.P. Sugar & Industriest Corp. Ltd.,
Lakshmipuram, Challapally Mandal,
Krishna District & 2 others

.. Petitioners

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Panchayat Raj and Rural Development Department,
Secretariat, Hyderabad & 2 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 03.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

- | | | |
|---|--|----|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

-

-

-

-
-
HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.24019 of 2015

-
ORDER:

The petitioners claim that they are the owners of agricultural land of various extents in Survey No.90/2, situated at Pamidimukkala Village and Mandal, Krishna District. The petitioners allege that the 3rd respondent Gram Panchayat is dumping garbage on the land to an extent of Ac. 0.30 cents belonging to the petitioners. The petitioners have already cultivated and paddy crop is being grown and on account of such dumping, the crop already grown was damaged affecting the crop of the petitioners as well as seriously affecting the land by the petitioners.

2. As seen from the averments made in the affidavit filed in support of the writ petition as well as the material papers enclosed, no such grievance is raised before the Gram Panchayat or higher authorities about illegal dumping of garbage on the land belonging to the petitioners and straight away, the writ petition is instituted.

3. The writ Court cannot go into the grievance even before the grievance is agitated before appropriate authority. The Court can exercise its extraordinary jurisdiction in exceptional circumstance where the statutory authority exceeds his powers/abdicates his power or does not attend to

grievance ventilated by a citizen. It is not the contention that in spite of raising the grievance, the competent authority has not acted. Further more, whether dumping is being done on the land of the petitioner is question of fact, which cannot be gone into by the writ Court in exercise of power of judicial review under Article 226 of the Constitution of India, more particularly when it is not established that garbage is being dumped in private property. Thus, the writ petition at this stage is not maintainable and it is liable to be dismissed.

4. Accordingly, the Writ Petition is dismissed. However, liberty is granted to the petitioners to approach the 3rd respondent Gram Panchayat raising the grievance against alleged illegal dumping of garbage on the land belonging to the petitioners and as and when such a grievance is raised, the 3rd respondent Gram Panchayat shall consider and take a decision, as warranted by law, within a period of two (2) weeks thereafter. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 3rd August, 2015

KL



HON'BLE SRI JUSTICE P.NAVEEN RAO

-
-
-
-

-
-
-
-
-
-
-

-
-
-
-

-

-
-
-
-
-
-
-
-
-
-

WRIT PETITION No.24019 of 2015

-

Date: 3rd August, 2015

KL