

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6225 of 2015

ORDER:

It is the allegation of the petitioners that the 5th respondent has been granted temporary patta in 1989. When a complaint was made that the land is kunta land 'water body', the revenue authorities sought to take action and the same was prevented by the 5th respondent by filing suits, which suits came to be dismissed. The appeal filed by the 5th respondent came to be allowed with a direction not to interfere with the possession of the 5th respondent as long as temporary patta granted in favour of the 5th respondent is in force.

Notwithstanding with the fact that the patta was only for one year is only by way of civil litigation, the 5th respondent continued to be in possession of kunta land contrary to the judgment of the Supreme Court that water bodies should be protected.

Making these allegations, the petitioner submitted a representation to respondent Nos.2 to 4 for taking necessary action and for restoring the tank. In spite of the fact that such representation has been made on 20.10.2014, no action is being taken.

The grievance of the petitioner is that non-consideration of his representation by the respondents with regard to alleged continuing occupation of kunta land by the 5th respondent. Without expressing any opinion and in the light of the judgment of the Supreme Court reported in **Hinch Lal Tiwari Vs. Kamala Devi**^[1] and the judgment of this Court in **Water Users Association, Cuddapah Vs. Government of Andhra Pradesh, represented by its Principal Secretary, Rural Development, Hyderabad**^[2], it is the duty cast on the official respondents to preserve and protect the water bodies, as otherwise, a

situation of total lack of water would result in future.

While considering the representation of the petitioner, the respondents may take into consideration all the relevant G.O.s issued by the Government from time to time with respect to protection of water bodies apart from guidelines enumerated by the Supreme Court.

Accordingly, this writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

Date: 12.03.2015
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[\[1\]](#) 2001 AIR (SC) 3215

[\[2\]](#) 2002 Law Suit (AP) 130