

THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY THIS THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIFTEEN

PRESENT

**THE HON'BLE MR JUSTICE A.RAMALINGESWARA
RAO**

-
WRIT PETITION No.13751 of 2005

Between:
Nakka Raju

..... PETITIONER

AND
District Collector, Kakinada,
East Godavari District and 4 others

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA

RAO

WRI PETITION No.13751 of 2005

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ORDER:

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Heard the learned counsel for the petitioner. None appears for the respondents.

This writ petition was filed by the petitioner who is a permanent resident of Rameswaram Village, Peddapudi Mandal, East Godavari District, stating that he owns land in Sy.No.73/4 in the same village. The case of the petitioner is that there is a drainage canal, by name 'Dandubaduva Drain' passing through the village, connecting to Madhavapatnam village. The said drain is the only source to drain out water from the respective fields as there are about 2000 acres depending upon this canal, preventing inundation from floods. When some persons sent their application to the Hon'ble Chief Minister for grant of house sites, the Mandal Deputy Surveyor was deputed for verifying the nature of the land. A report was submitted on 08.04.2005, stating that the said land is a drainage bund land and it cannot be alienated. The petitioner also submitted a representation on 16.06.2005 to the 1st respondent stating that if land is assigned for house sites, the entire drain will be closed and it would obstruct the agricultural operations. In spite of the said representation, the respondents are trying to take measurements of the land. Hence, the present writ petition was filed.

This Court by order dated 27.06.2005 granted *status quo*, which is continuing till today.

No counter affidavit was filed by the respondents, even after 9 years.

In view of the facts, stated above, it is needless to mention that tank bed land cannot be given to landless poor persons under Board Standing Orders.

In view of the *status quo* orders granted by this Court on

27.06.2005, this Writ Petition is disposed of, with a direction to the respondents to take into consideration the Board Standing Orders and other relevant circulars while taking any action for assigning the land belonging to the 5th respondent for any housing purpose. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

A.RAMALINGESWARA RAO,J

Date: 23.03.2015

Dsr