

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.14467 OF 2012

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ORDER: -

This writ petition is filed by the petitioners seeking a writ of *Mandamus* declaring the action of respondents in deciding to convert the public water tank situated in an extent of Acs.5.17 cents in survey No.278 of Karumanchi village into burial ground and not protecting such tank for drinking water purpose of live stock of petitioners and other villagers, in spite of repeated representations including the one dated 11.05.2012 of the petitioners, as illegal, irregular, irrational, without jurisdiction and violative of the provisions of the Andhra Pradesh Water, land and Trees Act, 2002, the Andhra Pradesh Board of Revenue Standing Orders, the Andhra Pradesh Panchayat Raj Act, 1994 and the Articles 14 to 21 of the Constitution of India and to direct the respondents not to convert any portion of the said public water tank into a burial ground.

2. I have heard the submissions of the learned counsel for the writ petitioners and the learned standing counsel for the second respondent-Gram Panchayat. I have perused the affidavit filed in support of the writ petition and the counter affidavit filed on behalf of respondents 1 and 2 by Tahasildar, Tangutur Mandal of Prakasam District.

3. The grievance of the writ petitioners is that the respondents are converting the public water tank in an extent of Acs.5.17 cents in survey no.278 of Karumanchi village into a burial ground without protecting such a tank which provides drinking water facility to the villagers and the live stock and that the respondents are not considering the representations being repeatedly given in that regard.

4. In the counter affidavit filed on behalf of respondents 1 and 2 by the Tahsildar, Tangutur Mandal of Prakasam District, it is stated that there is no proposal for

conversion of Akkireddy Kunta situated in an extent of Acs.5.17 cents in survey no.278 of Karumanchi Revenue Village into a burial ground and that in fact, the said tank retains water all around the year and serves the drinking water needs of the live stock of the subject village and also the residents of other villages.

5. In view of the categorical averments in the counter affidavit filed on behalf of the respondents and as it is affirmed that there is no proposal for conversion of the water tank into a burial ground, as being apprehended by the writ petitioners, no further orders need be passed in this writ petition.

6. Accordingly, this writ petition is disposed of as no further orders are necessary in view of the affirmative statements made by the respondents in the counter affidavit. There shall be no order as to costs.

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

M.Seetharama Murthi, J

09th November, 2015

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