

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.20039 of 2012

Date:30.7.2015

Between:

Guthikonda Ganghadhara Surya

Satyanarayana Vara Prasad,

S/o Bulleiah Chowdary and another.

..... Petitioners

And

Executive Engineer, Irrigation Department

(Drainage Division), Gudivada, A.P.,

and another.

.....Respondents

Counsel for the Petitioners: Sri Vupputuri Appa Rao

Counsel for the Respondents: AGP for Irrigation (AP)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to set aside notice, dated 20.6.2012, of respondent No.2, whereby he has called upon the petitioners to restore the earth which was excavated from Ballapadavakodu notified minor drain and used in raising a bund over Polemera drain which is a non-notified drain.

After strenuously arguing the case, Sri Vupputuri Appa Rao, learned counsel for the petitioners, has agreed with the view of the Court that even if the action of the petitioners in digging the earth in the notified drain and forming a bund over Polemera drain is for legitimate and *bona fide* reasons, as no prior permission was obtained by them and other villagers from the respondent-

authorities for committing the said act, they have to comply with the impugned notice and accordingly, submitted that he will instruct his clients to comply with the impugned notice by restoring the earth excavated from Ballapadavakodu notified minor drain. He has, however, requested that his clients may be left free to approach the respondents, after restoration of the earth, for ventilating their grievance and to avail a fresh legal remedy in the event their grievance is not redressed.

In the light of the above-noted submissions of the learned counsel for the petitioners, the Writ Petition is dismissed with liberty to the petitioners in terms of the prayer made.

As a sequel to dismissal of the Writ Petition, interim order, dated 04.7.2012, in WPMP.No.25680 of 2012 is vacated and WPMP.No.25680 of 2012 is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

30th July 2015

DR