

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.15095 of 2011

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Dated 08.07.2015

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Between:

Mahabubabad Sriramnagar Colony Welfare Society
rep. by the President Vaddi veeranna and others

... Petitioners

and

-
1.The State of A.P.,
rep. by its Secretary, Irrigation & CAD Dept.,
Secretariat, Hyderabad and 6 others.

...Respondents

Counsel for the petitioner: Mr.Bobbili Srinivas

**Counsel for the respondents: AGP for Irrigation & CAD
(TS)**

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to declare the action of the respondents, in interfering with the peaceful possession and enjoyment of the members of the petitioner No.1- Society in respect of house sites/houses admeasuring 200 to 260 square yards each in Survey Nos.647 to 656, 657/P & 661/P of Mahabubabad Village and Mandal, Warangal District, by

trying to fix the Full Tank Level (FTL) of Nizam Cheruvu Tank at the instance of respondent No.7, as illegal and arbitrary.

At the hearing, Mr.Bobbili Srinivas, learned Counsel for the petitioners, submitted that during the pendency of this Writ Petition, the Irrigation Department has issued show cause notice, dated 01.08.2014, alleging that the petitioners are in occupation of the lands falling within the FTL of Nizam Cheruvu; that, questioning the same, the petitioners have filed WP.No.25529 of 2014; and that this Court has disposed of the said Writ Petition by permitting the petitioners to submit their explanation. He has further submitted that the petitioners have, accordingly, submitted their explanation denying the allegation that their lands fall within the FTL contour and requested to hold a detailed survey.

The learned Counsel has placed before the Court letter No.DYEE/ISD/Mahbad/42, dated 27-09-2014, addressed by the Assistant Executive Engineer as well as the Deputy Executive Engineer of the Irrigation Sub-division, Mahabubabad, wherein it is mentioned that as per the survey conducted, the FTL contour of Nizam Cheruvu is situated 8 to 14 meters away from the eastern side boundary of the Gram Panchayat approved lay out *vide* LP.No.6/2000 &

C.No.12063/99/W and that the said lands do not fall in the FTL of Nizam Cheruvu of Mahabubabad Village and Mandal.

The learned Assistant Government Pleader for Irrigation (TS) has not disputed the authenticity of the said document .

In the light of the above subsequent event, which supported the plea of the petitioners that the plots covered by the above-mentioned lay out and owned by them do not fall within the FTL of Nizam Cheruvu, the Writ Petition is allowed as prayed for.

As a sequel, WPMP.No.18126 of 2011, filed by the petitioners for interim relief, is disposed of.

(C.V.Nagarjuna Reddy, J)

Dt: 8th July, 2015
LUR