

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20375 OF 2007

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ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners to issue a writ of certiorari by calling the records from the respondents in respect of implementation of the scheme envisaged under the provisions of the National Rural Employment Guarantee Act, 2005 while holding that the action on the part of the respondents in digging the canals in the land belonging to the petitioners *viz.*, (1) Survey No.1001 admeasuring Ac.1-01 guntas, (2) Survey No.1002 admeasuring Ac.1-26 guntas, (3) Survey No.1000 admeasuring Ac.3-12 guntas (4) Survey No.1001/1/A, admeasuring Ac.1-01 guntas, (5) Survey No.1002/A/1 admeasuring Ac.0-26 guntas and (6) Survey No.1000 admeasuring Ac.0-06 guntas, all situate in Akunuru village, Cheryal Mandal of Warangal District, as arbitrary and illegal.

The case of the petitioners is that they are the owners of the above said land and the respondents without acquiring the same, dug a canal in the said land for the purpose of providing passage to the stagnant rain water, pursuant to the Scheme introduced by the Central Government under National Rural Employment Guarantee Act, 2005. It is their further case that though they have approached the respondent officials and orally objected for the said act, they did not respond, and due to the action of the respondents, the water got stagnated in the lands of the petitioners and caused damage to the crops. Hence, the present writ petition.

Heard learned counsel for the parties and perused the material available on record.

It is evident from the record that the canal is not in existence as of now and petitioners have not given any written representation to the respondents stating that the land, in which the respondents dug the canal, belongs to them and due to the act

of the respondents, the crops in that land were damaged. If the respondents dug the canal in the said land without any authority and the act of the respondents caused damage to the petitioner's land, the petitioners are entitled for damages. Therefore, I deem it appropriate to direct the petitioners to make a representation to the respondents, informing the way in which they suffered loss because of the act of the respondents.

Accordingly, the writ petition is disposed of directing the petitioners to make a representation to the respondents regarding the damage caused to them, within a period of 30 days from the date of receipt of a copy of this order and on receipt of such representation, the respondents are directed to consider the same and pass appropriate orders within a period of (30) days thereafter. There shall be no order as to costs. The miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

February 02, 2015.

KTL