

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.30141 OF 2012

ORDER:

This writ petition is filed seeking to issue a writ, order or direction more particularly, one in the nature of writ of *Mandamus* to declare the action of the respondents in trying to disconnect the water supply to the water tap connection of the protected water supply scheme of respondent No.3 Gram Panchayat situated abutting Kakinada – Ramachandrapuram R & B Road, opposite to Munusubgari Tumu in Narsapurapupeta Village, Ramachandrapuram Mandal, East Godavari District as illegal and arbitrary, and consequently, to direct the respondents herein to continue the water supply through the tap connection in the above said place to the nearby public.

2. Case of the petitioners is that they were granted the aforementioned public tap by the respondent Gram Panchayat and at the instance of political leaders, the same was sought to be disconnected by respondent Nos.3 and 4. They made a representation to respondent No.1 – District Collector, Kakinada, East Godavari District on 17.09.2012. Then, respondent No.1 directed the District Panchayat Officer to examine the issue. Still, respondent Nos.2 to 4 are attempting to disconnect the water supply to the said water tap connection. Hence, they filed the present writ petition.

3. Heard Sri N.Siva Reddy, learned counsel appearing for the petitioners, learned Government Pleader for Panchayat Raj and Rural Development (Andhra Pradesh) appearing for respondent No.1, and Sri Ravi Cheemalapati, learned Standing Counsel appearing for respondent Nos.2 to 4.

4. This Court, while ordering Notice before admission on 25.9.2012, passed the following interim order in W.P.M.P.No.38449 of 2012:

“Heard Sri N. Siva Reddy, learned counsel for the petitioners and Sri G. Raju, learned counsel representing the learned standing counsel for Panchayats.

The material papers on record show that the petitioners represented to the District Collector on 16-09-2012 against the attempt to remove the public tap, which was directed by the Collector to be examined by the District Panchayat Officer. The result of such examination does not appear to have been communicated either to the Collector or to the petitioners. Therefore, respondents 3 and 4 shall not disconnect the water supply to the subject water tap connection of the protected water supply scheme under the Gram Panchayat until next date of hearing and the respondents shall place before the Court on the next date of hearing the result of examination of the issue by the District Panchayat Officer.”

5. No counter affidavit is filed by the respondents.

6. Since the interim order is operating from 25.09.2012, the Writ Petition is disposed of with a direction to respondent No.1 to consider the representation, dated 16.9.2012, of the petitioner and pass appropriate orders in accordance with law. However, it is open for respondent No.2 to recover water charges, if any, from the petitioners and take action in accordance with law, if situation warrants. Till then, the aforementioned interim order shall be in force. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.RAJASHEKER REDDY

Date: 06.10.2015

AMD

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THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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