

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.4804 OF 2009

DATED:16.2.2015

Between:

K. Krishna
President,
Madanapalle Revenue Division Vaddera Welfare Society
Reg. No.111/2000
Door No.14/34
(Up-stairs) C.T.M. Road, Madanapalle – 517325
Chittoor District
Andhra Pradesh

... Petitioner

And

The Commissioner,
Madanapalli Municipality
Madanapalli
Chittoor District
and others
Respondents

...

... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION NO.4804 OF 2009

-
ORDER: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

This taken up writ petition is being disposed of finally by the following order.

In the letter addressed by the petitioner it was highlighted that the respondents are not taking appropriate action for maintaining water storage tank for supply of drinking water to the residents of the area in question and that there is encroachment of Komativani Lake, which is one of the sources for supply of water. It is also stated that the lakes and water bodies surrounding the area are good sources for storage of water but the same have been encroached. In view of lack of proper maintenance of the water bodies, the rain water could not be stored and the same goes down waste to drains.

In this background, this Court entertained the aforesaid letter as public interest litigation.

Counter affidavits have been filed by the respondent Municipality and the Irrigation Department. In both the counter affidavits it has been stated that action has been taken for restoration of the water storage facility and also for removal of the encroachments. According to us, the counter affidavit of fourth respondent, which has been filed recently, is of more assistance than the one filed by the first respondent in the year 2009.

In paragraph 4 of the counter affidavit of the fourth respondent, it

has been stated that out of 33 encroachments 21 encroachments have been removed by the revenue officials and the municipal officials covering an extent of 0.21 acres and 12 encroachments remain, covering an extent of 1.59 acres, in which there are structures and constructions of religious importance and could not be removed, as necessary legal steps have to be taken to identify exact areas of the land and the claim of encroachers, as permissible under law, and hence a survey has to be conducted.

Learned counsel for the official respondents say that immediate action shall be taken for removal of the remaining 12 encroachments.

In view of the statement and averment in the counter affidavits, we direct the deponents of the counter affidavits to take steps in accordance with law for removal of the remaining encroachments.

As far as the restoration of water storage facility is concerned, it is submitted, and also stated in the counter affidavit, that appropriate action has been taken to see that the tanks and lakes are used properly.

In that view of the matter, we direct the respondents to take steps in such a manner that they redress the grievance of the people of the locality ventilated in the letter addressed by the petitioner.

It is submitted by the learned counsel for the unofficial respondents that their clients have removed their encroachments. The same is recorded.

The matter is accordingly closed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

16.2.2015

bnr