

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.30878 of 2014

Date:21.12.2015

Between:

Mamidanna Saraswathi,
W/o Late Srihari

..... Petitioner

And:

The State of A.P., repled., by its
Principal Secretary, Panchayat Raj
Department, Hyderabad
and three others.

.....Respondents

Counsel for the Petitioner: Mr. B.Chandrasekhar

Counsel for Respondent No.1: AGP for Panchayat Raj (AP)

Counsel for Respondent No.2: Mr. Ravi Cheemalapati

Counsel for Respondent No.3: AGP for Revenue (AP)

Counsel for Respondent No.4: Mr. C.Ramachandra Raju

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of respondent Nos.2 to 4 in constructing Water Purification Plant on the public road/punta in Survey No.132 of Chinnapulleru Village, Undi Mandal, West Godavari District in front of the petitioner's house, as illegal and arbitrary. The petitioner

sought for a consequential direction to respondent Nos.2 to 4 to forthwith stop the ongoing construction.

I have heard Mr. B.Chandrasekhar, learned counsel for the petitioner, Mr. Ravi Cheemalapati, learned Standing Counsel for Panchayat Raj Institutions appearing for respondent No.2 and Mr. C Ramachandra Raju, learned counsel for respondent No.4.

The petitioner claims that she is the owner and possessor of open site along with the tiled house situated in Survey No.131 of Chinnapulleru Village, Undi Mandal, West Godavari District and that she came to know that under a scheme called 'N.T.R. Sujala Sravanthi' (for short 'the Scheme'), conceived by respondent No.1, respondent No.4 has been commencing construction of a structure for establishment of Water Purification plant on a passage which is serving as access to her house. It is further averred that respondent No.4, who is the supporter of the ruling party, has been going ahead with the construction without permission and using his political clout.

On behalf of respondent No.2, the Panchayat Secretary filed a counter-affidavit, wherein he has *inter alia* stated that the Scheme is conceived for ensuring supply of purified drinking water to the rural people on nominal expenses; that for the effective implementation of the said Scheme, the Gram Panchayat has to spend Rs.1,50,000/- to Rs.2 lakhs either from its own funds or from the funds collected from the donors; and that in respect of Chinnapulleru Village, the District Panchayat Officer, the Sarpanch and the Panchayat Secretary have identified the land in Survey No.132 as suitable for construction of Reverse Osmosis (for short 'RO') plant. It

is further stated that the Deputy Executive Engineer and the Assistant Executive Engineer of Rural Water Supply Department, Undi Mandal and the Divisional Panchayat Officer, Narasapuram have visited the site on 18.9.2014 and approved the same; that respondent No.4 has come forward to donate money for construction of the RO plant; that on 20.09.2014, the local M.L.A. and other authorities have performed ground breaking ceremony; and that within 20 days thereof, the RO plant was made ready. The counter-affidavit further stated that the land in Survey No.132, on which the RO plant is located, is classified as 'Drinking water tank poramboke' and only an extent of 21 square yards was used for construction of the RO plant, which is a part of tank poramboke. The counter-affidavit denied the allegation of the petitioner that the RO plant is constructed on the middle of the road. It is further stated that opposite to the RO plant, there is a CC road with a width of 10 feet and also an Overhead Service Reservoir with a capacity of 40,000 litres through which the drinking water is being supplied to all the villagers, whose population is about 1,500, to whom the RO plant is useful. The counter-affidavit also denied the allegation that the establishment of the RO plant will deny access to the petitioner's house. In support of this plea, respondent No.2 has filed photographs.

In the counter-affidavit filed by respondent No.4, he has *inter alia* denied the allegation of the petitioner that the RO plant has been established on the road denying the access to her house. Along with the counter-affidavit, he has filed proceedings No.A7/5343/2014, dated 23.9.2014, wherein the District Collector, West Godavari District has accorded permission to respondent No.4 for establishment of RO plant over an extent of Ac.0.01 cent of land, which is a part of tank bund of Chinnapulleru

Village.

At the hearing, Mr. B.Chandrasekhar, learned counsel for the petitioner, has not disputed the fact that the site on which the RO plant has been constructed is a part of tank bund of fresh water tank and that the same is meant for treating the drinking water being supplied from the tank to the villagers. He has also not disputed the fact that the Collector has accorded permission to respondent No.4 for establishment of such plant. The further fact that the petitioner has access through another road to her house is also not in dispute.

In my opinion, when the RO plant is established for a laudable public purpose under proper permission granted by no less a functionary than the District Collector, this Court in exercise of its jurisdiction under Article-226 of the Constitution of India cannot interfere at the instance of the petitioner who failed to establish that any of her legal rights are infringed. No doubt, the photographs filed by respondent No.2 along with the counter-affidavit suggest that the RO plant is constructed by leaving 4 or 5 feet from the compound wall of the petitioner, the fact that the petitioner has clear access through the main gate of her house shows that the location of the RO plant does not in any manner infringe her rights.

For the above-mentioned reasons, I do not find any merit in the Writ Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, interim order, dated 24.10.2014, is vacated and W.P.M.P.No.38608 of 2014 is dismissed and WVMP.Nos.3493 of 2014 and 3291 of 2015 are disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*21st December, 2015
DR*