

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

W.P.No.26065 OF 2015

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Dated:21.08.2015

Between:

Sri Sai Baba Ethipothala Rythu Seva Sangam,
Gangannapalem village, Chilakaluripeta Mandal,
Guntur District., A.P.,
represented by its President Samineni Baburao
and another

...Petitioners

And

The State of Andhra Pradesh,
Rep.by its Secretary to Irrigation Department,
Andhra Pradesh, Secretariat, Hyderabad
and six others

... Respondents

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ORDER:

This writ petition was filed challenging the action of the respondents in interfering with management, maintenance and operation of the Gangannapalem lift irrigation Scheme constructed on Kuppaganji vagu in Iralapadu village, Nadendla Mandal, Guntur District, by putting lock on lock or in any other manner.

This writ petition was adjourned on 18.08.2015 for getting instructions in the matter and the learned Government Pleader obtained written instructions which read as follows:

"The facts of the case that in Gangannapalem village there was a dispute between the beneficiaries of the scheme with regard to the management, maintenance and operation of the Gangannapalem lift irrigation scheme constructed on Kuppaganji vagu in Iralapadu village, Nadendla Mandal and both the parties created nuisance, created law and order problem and there was a great apprehension of breach of peace and likely hood of blood shed. Hence on 05.08.2015, the Circle Inspector of Police, Chilakaluripeta Rural Circle submitted a report to the 6th respondent-Tahsildar, Nadendla and Chilakaluripeta Mandal requesting to initiate proceedings U/s.145 Cr.P.C.

It is submitted that the respondent police maintaining law and order to keep peace and tranquillity in the area, but it does not mean interference and harassment of the police. It is submitted that except submitting the said reports to the Tahsildar, Nadendla Mandal and Chilakaluripeta Mandal, the respondent police never interfered in the management of the scheme or put the locks as alleged by the petitioners herein.

The contention of the petitioners that on 04.08.2015 the Sub-Inspector of Police/7th respondent came and put another lock on the existing lock is false, hence denied. It is submitted that the respondent police never put the lock as alleged by the petitioners herein.

It is submitted that when the respondent police did not put the alleged lock, the question of removing the said lock does not arise."

In view of the same, in the absence of any lock put on the pump house, the cause of action in the writ petition does not survive. The statement made by 7th respondent is accordingly recorded. In view of the same, the writ petition is closed and liberty is given to the petitioner to file appropriate proceedings in accordance with law as and when fresh cause of action arises. No costs. Miscellaneous Petitions pending, if any, shall stand closed.

21.08.2015
Rns

A.RAMALINGESWARA RAO,J