

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No. 18830 of 2015

ORDER :

This writ petition is filed by petitioners who are encroachers of land admeasuring Acs.25.40 cents in Survey No.854 of Kothapalli Grampanchayat, Rompicherla Mandal, Guntur District. The petitioners contend that they are landless poor persons, that the above land belongs to the Nagarjuna Sagar Project and it had been acquired for the said Project long back, because it was not fit for cultivation, and that they occupied it by spending huge amount and are cultivating it. They allege that the respondents 4 to 7 attempted to evict them from the said land, without following due process of law, under the guise of Neeru Chettu Programme.

2. Counter affidavit is filed by the 5th respondent stating that the villagers of Chakaligunta Tonda, Kothapalli Village of Romicherla Mandal, had represented to the Superintending Engineer (Operation and Maintenance) Circle Lingamguntla, vide letter dated 15.06.2015 for developing the existing pits in Survey Nos.841/2 and 854 in to a small tank, since the land was borrow area of the Nagarjuna Sagar Project. He contended that the Deputy Executive Engineer, Nagarjuna Sagar Jawahar Canal Monitoring Sub-Division, Nekarikallu at Narasaraopet, had issued no objection certificate for taking up the work under the Neeru Chettu Programme launched by the Government of Andhra Pradesh. He also contended that the villagers had represented to desilt the borrow pits pertaining to the Nagarjuna Sagar Project which is part of Water Resources Department (Irrigation Department) for use as drinking water tank of Kothapalli Village, and the work was entrusted to the 7th respondent, as per the resolution passed by the Janma Bhoomi Committee. It was also stated that the peripheral trench indicates the boundaries of Survey Nos.841/2 and 854 and it was excavated on the ground, that the Government issued G.O.Ms.No.70 I&CAD, dated 04.12.2014, and the work was taken up, as per the instructions contained in a Government Memo dated 18.02.2015 and as per sanction given by the District Collector, Guntur, by letter dated 30.05.2015. It is contended that the petitioners are in unauthorized occupation of the said land and, therefore, the work entrusted to the 7th respondent cannot be said to be illegal or irregular.

3. From the above contentions of the respective parties, it is clear that the petitioners do not have any right, title or interest in the subject land, which belongs to the Nagarjuna Sagar Project. When the State in public interest has taken up the work under the Neeru Chettu Programme to desilt the borrow area of the Nagarjuna Sagar Project in the existing pits in Survey Nos.841/2 and 854 which are in the occupation of the petitioners, the petitioners cannot object to the same, since they are admittedly encroachers. Therefore, I do not find any merit in the writ petition.

4. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed.

JUSTICE M.S.RAMACHANDRA RAO

24th November, 2015

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