

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

Writ Petition No.12476 of 2005

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

Change of the existing ferry point, from Kotipalli to Mukteswaram Village on the right bank of River Godavari, is questioned in this writ petition as being illegal, arbitrary and contrary to the provisions of the A.P (Andhra Area) Canals and Public Ferries Act, 1890 (for short "the Act"). By his proceedings dated 28.05.2005, the Superintending Engineer considered the representations submitted by the M.L.A., Ramachandrapuram, dated 22.04.2005, and the Panchayat Secretary, Kotipalli, dated 22.04.2005, and directed shifting of the existing ferry point. He constituted a committee to examine any problems arising therefrom. Subsequently, by proceedings dated 03.06.2005, the Superintending Engineer observed that the location at KM 42/0-3 was found suitable as it was a straight reach having sufficient draft for the boats and launches on the upstream of Pushkarghat. Accordingly, he granted permission to change the ferry point.

Sri Abhinand Kumar Shavli, learned counsel for the petitioners, would draw attention of this Court to Section 8 of the Act in support of his submission that the Superintending Engineer lacked jurisdiction to pass the impugned orders.

Section 8 of the Act relates to the power to apply the Act to any ferry and to define the limits of the ferry. The said provision enables the State Government, by notification in the official Gazette, to declare any ferry to be subject to the provisions of Sections 2 to 18 of the Act from a date to be named in such notification, and to define the limits of such ferry. The said provision also confers power on the State Government, in like manner, to cancel or modify any such notification. Section 3 of the said Act defines "ferry" to mean a place at which goods, animals or passengers are conveyed across a channel by

means of vessels.

As Section 8 confers the power, to change the ferry point, only on the State Government, it is evident that the Superintending Engineer lacks jurisdiction to change the ferry point from one place to another. The impugned orders are, accordingly, set aside. It is made clear that, since Section 8 of the Act confers power on the State Government to change the ferry point, this order shall not preclude the State Government, if they so choose, from taking action to change the existing ferry point to any other ferry point which they consider suitable and necessary.

The writ petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

SURESH KUMAR KAIT, J

Date:20.04.2016

JSU

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

-
-
-
-
-
-
-
-

-

-

-

-

-

-

-

-

-

-

-

-

Writ Petition No.12476 of 2005

-

-

Date:20.04.2016

JSU