

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

[Special Original Jurisdiction]

TUESDAY THE TWENTYTHIRD DAY OF FEBRAURY
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 27345 OF 2010

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Between:

Doddapaneni Basavapurnamma ... Petitioner

Vs.

State of Andhra Pradesh
Rep.by its Prl. Secretary,
Irrigation Department, Secretariat,
Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri N. Srirama Murthy

Counsel for the Respondents: GP for Irrigation & CAD

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

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ORDER:

Heard Sri N. Srirama Murthy, learned counsel for petitioner and Assistant Government Pleader for Irrigation.

2. The petitioner assails notice dated 20/10/2010 issued by the fourth respondent as illegal, without jurisdiction and unconstitutional.

3. On 03/11/2010 this Court directed the Deputy Executive Engineer to survey the subject matter of the writ petition allegedly encroached by the petitioner and submit a report. The fourth respondent filed counter-affidavit and opposed the writ prayer. It is asserted that the petitioner has encroached an extent of 7 sq.yards of Government canal land, further stated that on 11/4/2011 the Assistant Director of Survey and Land Records, Guntur was requested to take up a detailed survey and determine the canal boundaries and submit a report to the department.

According to fourth respondent, though a reminder was sent on 02/12/2011 there is no development in the request made for conduct of survey and the report is awaited.

4. The impugned notice is issued on the assumption that the petitioner has encroached 7 sq.yards. From the counter affidavit it is clear that the detailed survey of subject matter of the writ petition is decided and accordingly a request was made to Assistant Director, District Survey and Land Records, Guntur. In my considered view, the completion of the detailed survey as requested by the Executive Engineer through letter dated 11/4/2011 and determining the boundaries of canal would put to an end to the controversy between the petitioner and the department. Therefore, I am of the view that the Assistant Director, Survey and Land Records shall undertake and complete detailed survey as requested through letter dated 11/4/2011 within three months from today. This Court is conscious of the fact that the Assistant Director of Survey and Land Records, Guntur is not arrayed as one of the respondents, therefore for prompt and timely action the fourth respondent is directed to communicate a copy of this order together with the letter dated 11/4/2011 to the Assistant Director of

Survey and Land Records, Guntur and request him to complete the survey. The Assistant Director after completing the survey furnishes a copy of the report to the respondent as well as the petitioner. Basing on the out come of the report, respondents are given liberty to proceed against the petitioner, if the circumstances so warrant in accordance with law and remove the alleged encroachment. Like wise, if the petitioner is aggrieved by the out come of the report, the petitioner is free to avail the remedies available in law.

5. With the above direction, the writ petition is disposed of.

No costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE S.V. BHATT

23/02/2016

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HONOURABLE SRI JUSTICE S.V. BHATT

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