HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.17373 of 2015
and
CONTEMPT CASE No.1516 of 2015

ORDER:

The petitioner states that he is owner and possessor of land admeasuring Ac.6.37 gts. in Sy.Nos.49/A/7, 69/B and 84 situated at Ashwaraopally Village, Raghunathpally Mandal, Warangal District, and the said lands are his ancestral property. Originally, the said lands stood in the name of his father. After his demise, the petitioner succeeded to the property. However, mutation proceedings are pending. When respondent Nos.5 and 6 conducted survey work and wanted to interfere with possession of the said lands under Mission Kakatiya Project, the petitioner submitted representation on 02.03.2015 to respondent No.2 who forwarded to respondent No.3 and, thereafter, to respondent No.4. Respondent No.4, after verifying the survey map of feeder channel and making spot inspection, stated that feeder channels do not pass through the petitioner's survey numbers but they pass through survey Nos.80, 83, 70, 264, 528, 529 and 530 of Ashwaraopally Village. In spite of the same, as respondent Nos.5 and 6 came to the lands of the petitioner on 09.06.2015, he filed the above Writ Petition challenging the interference.

This Court, while admitting the Writ Petition on 17.06.2015, directed the respondents not to interfere with the possession of petitioner's lands without following due process of law.

Now a counter affidavit is filed on behalf of respondent Nos.5 and 6 stating as follows:

"It is further submitted that, after completion of 1330 mtrs. length of desilting work of feeder channel the Tahsildar, Raghunathpally addressed a letter to Executive Engineer, I.B.Division, Warangal vide Lr.No.Rc.No.B/667/2015 Dt:03.06.2015 (received on 09.06.2015) with a request to take up the work as per survey map. In compliance to the Tahsildar letter, instructions were issued to contractor to stop desilting work immediately. After stoppage of the work by the authoirites, the same was informed to the Revenue Divisional Officer, Jangaon with regard to the objection made by the pattedar of that land, thereupon, the RDO instructed the Tahsildar to inspect the site and submit the report whether the feeder channel of Dharmareddy cheruvu is existing by conducting a panchanama, accordingly, the Tahsildar instructed the Additional Revenue Inspector and Village Revenue Officer to conduct panchanama and submit a report. The Additional Revenue Inspector and Village Revenue Officer along with panchas visited the site and conducted a panchanama on 20.08.2015 in presence of villagers and submitted a report. According to the said report, it revealed that the feeder channel is existing in the patta lands in Sy.No.84, 69, 49/8 and 49/1 for the past more than 50 years. The copy of the panchanama and report dated 17.12.2015 are enclosed herewith. The work done area i.e., 1330 Mtrs. length of feeder channel does not come under the petitioners patta land. In this regard, it is clearly indicated that the department has not interfered with the petitioners patta land for desilting of feeder channel.

It is humbly submitted that, the farmers of Veldhi Grampanchayat, Raghunathpally (M) passed a resolution on 10.06.2015 to restore the feeder channel on their own at which it was stopped by the Government authority. The resolution passed by Gram Panchayat for execution of works duly signed by Sarpanch and Panchayat Secretary, is herewith enclosed. As per their resolution the farmers might have taken up the remaining desilting of feeder channel with their own interest. In this regard it is clearly indicated that this respondent not interfered with the petitioner's land in digging the feeder channel."

In view of the averments made in the counter affidavit, it is clear that respondent Nos.5 and 6 are not interfering with the possession of lands owned by the petitioner.

In the circumstances, it is open to the petitioner to take appropriate steps for protection of his lands.

The Writ Petition is, accordingly, closed. Consequently, the Contempt Case is dismissed.

Miscellaneous applications in both the cases, if any, shall also stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:11.11.2016
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