

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.25673 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the inaction of the respondents in considering the representation dated 11.7.2016 submitted by the petitioners as illegal.

2. Heard Sri O.Manohar Reddy, learned counsel appearing for the petitioners, learned Special Government attached to the Office of Advocate General (Telangana) and learned Government Pleader for Irrigation and Command Area Development (Telangana) appearing for respondent Nos.1 to 3.

3. The case of the petitioners is that petitioner Nos.1 to 4 are owners of land admeasuring of Acs.76.10 guntas in survey Nos.1009 to 1012, 1014, 1017, 1024 to 1027 of Ainapur Village, Cherial Mandal, Warangal District by virtue of three separate registered sale deeds dated 23.6.2006, 17.7.2006 and 17.7.2006. The petitioner No.5 purchased the land an extent of Acs.3.39 guntas in survey Nos.1010/A, 1011/A and 1014/A–Part from first petitioner under a registered sale deed dated 15.7.2015. Out of Acs.72.01 guntas of land, the respondents are proposing to acquire the land to an extent of Acs.47.30 guntas for the purpose of excavation of canal for J.Chokka Rao Godavari Lift Irrigation Project.

4. The learned counsel for the petitioners submitted that if the alignment of D4 Distributory of left main canal of Tapaspally tank from KM 0.0000 to KM 2.850 is changed, the distance of canal will be reduced from 2.850 KMs to 1.700 KMs and it would be beneficial to the Government as well as the farmers. He further submitted that the petitioners made a representation dated 11.7.2016 to the respondents and other revenue officials to consider their request for change of alignment of the canal. The learned Special Government Pleader

submitted that the Government has acquired land from different farmers for the purpose of excavation of the canal; hence, at this point of time, it may not be possible for the Government to change the alignment of the canal.

5. Taking into consideration the facts and circumstances of the case and also the submission made by the learned counsel for both the parties, without going into the merits of the main case, this court is inclined to direct the respondents to consider the representation of the petitioners dated 11.7.2016.

6. Accordingly, the second respondent is hereby directed to consider the representation of the petitioners dated 11.7.2016 and pass orders in accordance with law as expeditiously as possible, preferably within a period of one month from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

T.SUNIL CHOWDARY, J

August 02, 2016.
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