

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

P.I.L No. 199 OF 2015

01.02.2016

Between:

Shaik Silar,

West Godavari District.

... Petitioner

And

State of Andhra Pradesh,

Rep. by its Principal Secretary,

Revenue Department,

Saifabad, Andhra Pradesh Secretariat,

Hyderabad and others.

... Respondents

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PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard Sri Mangena Sree Rama Rao, learned counsel for the petitioner; Sri D. Ramesh, learned Special Government Pleader for respondent Nos. 1, 2 and 4; learned Government Pleader for Roads and Buildings for respondent Nos.3 and 5; Sri Ravi Cheemalapati, learned Standing Counsel for respondent No.6 and Sri K. Jyothi Prasad, learned counsel for respondent Nos.8 and 9. None appears for respondent No.7.

The petitioner, in the instant PIL, seeks the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of Respondents 1 to 6 in not preventing encroachments made by 7 to 9 Respondents in an extent of Ac. 0.43 cents in R.S.No. 320/1A and an extent of Ac. 0.11 cents in R.S.No.320/2 of Samisrigudem Village of Nidadavolu Mandal is illegal, irregular, arbitrary, against the interests of public at large and violative of provisions of The WALTA Act 2005, and Board Revenue Standing Orders and rules framed there under and also offends Articles 14 & 21 of Constitution of India and consequently direct the Respondents to take all measures to protect the water sources in and around the Nidadavolu Mandal, West Godavari District and pass such other orders or order as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Respondent No.6 - Gram Panchayat has filed an affidavit stating that they have already initiated action against respondent Nos.7 to 9 for the alleged encroachment, as stated in the prayer clause, and they shall take the action initiated by them to its logical conclusion.

Learned Special Government Pleader and learned Government Pleader for Roads & Buildings state that respondent Nos. 1 to 5 also admit that there is an encroachment and that they support the action initiated by respondent No.6 against respondent Nos.7 to 9.

In view thereof, nothing further survives in the PIL.

PIL is accordingly disposed of. We, however, observe that the concerned respondents, in particular, respondent No.6, shall follow due procedure.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 01.02.2016

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