

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

Writ Petition No.7920 of 2010

ORDER: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The failure of the respondents, to remove encroachment around the public drain, is put in issue in this writ petition. The petitioners complaint is that, despite several representations having been submitted by them regarding the encroachment around the public drain, no action is being taken by the respondents in this regard.

In the counter affidavit filed by the Executive Engineer, Drainage Division, West Godavari District (2nd respondent herein), it is stated that he had physically inspected the disputed site; and had observed that a public drain was passing through Satrampadu Village with a width of nearly 2½ to 3 meters; on either side of the drain, it was totally encroached; nearly 100 to 150 houses were constructed along the drain on either side, including the house under construction by the 9th respondent; on the eastern side of the drain, there were thatched and terraced houses; on western side of the drain, there were pucca buildings, thatched houses and terrace houses; the 9th respondent was one among the several persons who had constructed houses there; she had raised a pucca construction with the aid extended by the Government under the "Indiramma Housing Scheme"; the site on which the house was constructed belonged to one Sri Atluri Basava Punnaiah, who had encroached on the drain land unauthorisedly; he had sold the site, admeasuring 100 square yards, to the 9th respondent; and he had executed an un-registered agreement on 20.03.2008.

It is evident from the counter affidavit that it is not only the 9th respondent but around 100 others, who had encroached upon the land and raised structures on both sides of the public drain. The petitioners'

representation, in this regard, appears not to have been acted upon by the respondents.

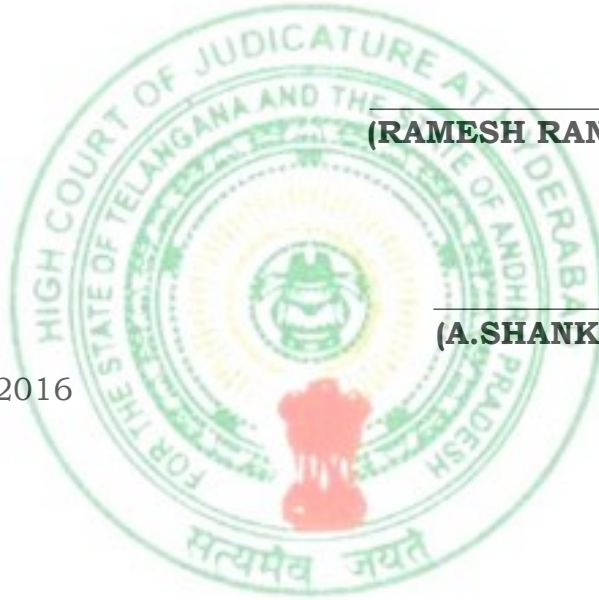
We consider it appropriate, in such circumstances, to direct the respondents to consider the petitioners' representation and take necessary action thereupon in accordance with law. It is made clear that any action, which the respondents may take, shall only be after all the encroachers are put on notice and are given an opportunity of being heard.

The Writ Petition stands disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(A.SHANKAR NARAYANA, J)

06th December, 2016
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Date: 06.12.2016

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