

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.34319 OF 2016

ORDER:

This Writ Petition under Article 226 of the Constitution of India is preferred by the petitioners seeking the following relief:

“ declaring the inaction of the respondents 2 to 6 to stop drawing of water by the land of 7th respondent in Sy.No.230, 233 and 214 in extent of about Ac.15-00 cents situated at Chillakuru, Chillakuru Mandal, SPSR Nellore District from Chillakaluru Tank despite the representation of petitioners and others dated 07-09-2016, 09-09-2016 and 12-09-2016 as illegal, arbitrary and unjust and without jurisdiction and in violation Art 14 & 21 of Constitution of India and irrigation Laws and section 23 of AP Act of 1997 and Rules there under and Principles of Natural Justice and consequently direct them to stop the flow of water to the above said lands.”

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Revenue (AP), GP for Irrigation and Commercial Area Development (AP).

Though various grounds are raised in the writ petition, at the time of arguments, learned counsel for the petitioners restricts his prayer seeking a direction to the respondents to consider the representation made by the petitioners with regard to illegal drawing of water from Chillakaluru tank.

Learned Government Pleader for I&CAD submits that the 4th respondent may be directed to consider the representation of the petitioners.

Having considered the rival submissions made and without going into the merits of the case, the present writ petition is disposed of directing the 4th respondent herein to consider the representation dated 12.09.2016 made by the petitioners and dispose of the same, if the same is still pending consideration, in accordance with law, after hearing the petitioners and also the aggrieved persons, if any, including the 7th respondent herein, as early as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed.

Date: 17.10.2016

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C. PRAVEEN KUMAR, J

