

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6707 of 2016

ORDER:

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit filed in support of the writ petition that the Petitioner herein prays 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 to declare the action of the respondents 2 to 8 herein in not granting police protection to the petitioner herein for hindrance of some local growth inhibitory people of Village to execute the balance of work of the Government i.e. "Formation of Reservoir of 85 Mcft capacity across Peddavagu near Korlkuntavaripalli (V), H/o Thimmanayunipalli (V), Sadum (M), Chittoor District, A.P." as per Memo dated 23-12-2015 of the Chief Engineer, Minor Irrigation, Hyderabad as biased, illegal, and capricious and consequently direct the respondents 5 to 8 herein to grant ample police protection to the petitioner's men & machinery from the obstruction of aforesaid local growth inhibitory people to release the adequate water to complete the balance of work within the time fixed by the Government i.e. on or before 31-03-2016 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The Executive Engineer, Irrigation Division, Palamaner, filed a counter-affidavit.

Sri Gade Venkateswara Rao, learned counsel for the petitioner, states that it would serve the petitioner's purpose if the writ petition is closed recording the stand of the afore-stated authority.

In paras 6 and 8 (para 7 is missing) of the counter-affidavit, the Executive Engineer of Irrigation Department stated as under:

“In reply to Para No.6 of the affidavit, it is submitted that, the period required for erection of gates is 15 days only. Water has to be stored for recharging ground water. Water could not be wasted by releasing water into Vagu. And if impounding of water in the reservoir became obstacle to erection of gates, further Extension of time will be granted

for erection of sluice gates. And we have not protracted the matter at any point of time and informed the day to day information to the higher officials including District Collector, Chittoor and Police Department also. The Police Department also deputed two policemen to observe the situation to avoid law and order problem if any arises. As on today there is no law and order problem in this area. There are no representations from the local agriculturists to release the water.

8. In reply to Para No.7 of the affidavit, it is submitted that, the official respondents never dragged the matter at any point of time and not neglected the responsible duties. If the agency is unable to complete the work within the time and also to the latest EOT period i.e. 31.03.2016 for the erection of gates and any balance work, further EOT will be granted for erection of sluice gates. For erection of sluice gates 15 days time is sufficient for which 3rd & 4th respondents are ready to recommend for EOT for 15 days to the Chief Engineer, Minor Irrigation, Hyderabad (Extension of Time issuing authority).”

Recording the afore-stated stand of the irrigation authorities, the writ petition is closed.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE SANJAY KUMAR

30th March, 2016
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