

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.42860 OF 2015

ORDER:

Heard Mr.Narasimhulu for petitioner, Assistant Government Pleader for respondents 1 to 5 and Mr.Gopal for respondents 7 to 15.

The petitioner prays for the following relief:

“.. to issue a writ, order or direction more particularly one in the nature of the writ of mandamus declaring the action of the respondents 2 to 6, more particularly respondents 3 to 5 in protecting the water channel poramboke land (Varava Channel) in Sy.No.15/9, 23/2 and 24 of M.Jangalapalli Village, Chittamuru Mandal, SPSR Nellore District, from the encroachments as illegal, arbitrary and violation of Article 14 of the Constitution of India and consequently direct the official respondents to remove the unofficial respondents from the varava channel and to see the free flow of water in the said channel by taking appropriate protecting measures..”

On 23.11.2015, the petitioner got issued legal notice to respondents for taking immediate action and evict the encroachers of Varava Kaluva.

Admittedly, the respondents have not taken any action in this behalf.

After perusing the legal notice, this Court is of the view that the respondents will have to undertake field inspection, determine encroachments and pass orders directing removal of encroachments in accordance with law.

Keeping in mind the stand taken by the respondents in the counter affidavit, the writ petition is disposed of by directing respondents 4 to 6 to examine the complaint in the legal notice,

cause field inspection of subject Kaluva, determine encroachments and pass orders in accordance with law after affording opportunity to the encroachers if any. The said exercise shall positively be carried out within two months from the date of receipt of a copy of this order.

The writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

Date: 10.11.2016
Sp

S. V. BHATT, J

