

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

[Special Original Jurisdiction]

TUESDAY THE SIXTEENTH DAY OF FEBRAURY
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 37609 OF 2012

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Between:

T. Ravi Chandra ... Petitioner

Vs.

The District Collector,
Chittoor district & Ors. ... Respondents

Counsel for the Petitioner: Sri G.V. Shivaji

Counsel for the Respondents: GP for Irrigation

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 37609 OF 2012

ORDER:

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Heard Sri G. V. Shivaji, learned counsel for petitioner and learned Assistant Government Pleader for Respondents 1 to 3.

2. The grievance of petitioner is that Respondents 1 to 3 failed to take action particularly against fourth respondent in protecting the land covered by Kattukalva as illegal, arbitrary and unconstitutional.

3. The petitioner relies upon the letter addressed by the Assistant Executive Engineer [Irrigation Section] Tirupati to the Deputy Executive Engineer, Panchayat Raj Sub-division, Tirupati to contend that the Department accepts that the water body vests in Irrigation in CAD Department and that no authorization is given to any one much less Panchayat Raj Sub-Division to dig land covered by the tank much less form a road to by-pass road crossing.

4. To appreciate the contention of the petitioner, it is convenient to excerpt the communication dated 22/9/2012 which reads thus:

“At the time of hearing, learned counsel for petitioner submits that though several years have passed by, the respondents have not taken any action on admitted position and the encroachment into water body is still continuing.”

5. I have perused the material available on record. I am of the view that the request of learned Assistant Government Pleader for time to file counter-affidavit is unreasonable. The matter was first at the instance listed on 6/12/2012 and at the instance of learned Assistant Government Pleader the matter was adjourned to get instructions or file counter-affidavit. Be that as it may, the letter dated 22/9/2012 has emanated from the office of the Assistant Executive Engineer, Irrigation Section, Tirupati [R] . The contents of the letter discloses that during the course of inspection it had come to the notice of respondents that road was laid from Mukkoti temple to by pass crossing without permission from the Irrigation Department, appropriate steps are taken for removal of the unauthorized road and secondly prevent further encroachment or spoiling the water body.

6. Having regard to the above circumstances, the writ petition is disposed of by directing the second respondent/Superintending Engineer, Irrigation Department to

cause enquiry into the laying of road to an extent of 625 Mts. from Mukkotu temple to by pass crossing as stated in the letter dated 22/9/2012 and if the road exists as on date and the formation is unauthorized, the second respondent directs the third respondent to take steps required for removal of road and restoring the tank to its original position. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

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

8. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE S.V. BHATT

16/02/2016
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HONOURABLE SRI JUSTICE S.V. BHATT

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