

HON'BLE SRI JUSTICE S.V. BHATT

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W.P. No.20663 OF 2012

ORDER:

Heard learned counsel for the petitioners and the respondents.

The petitioners pray for the following relief:

“...writ or direction declaring the action of the 3rd respondent in proposing to construct a new channel from Baddi tank to Subhasagaram tank in the existing cart track in Sy.No.96, 103 and 104 of Gangachollapenta village, Gajapathinagaram Mandal, Vizianagaram district without following the procedure contemplated under the provisions of the Andhra Pradesh Irrigation (construction and maintenance of water Courses) Act, 1965 as illegal, arbitrary and contrary to the Andhra Pradesh Irrigation (construction and maintenance of water Courses) Act, 1965 and pass such other or further orders as the Hon'ble Court feels deem fit...”

The respondents filed counter affidavit disputing the very classification and assumption on which the writ petition is filed. The matter requires full-fledged trial. Therefore, learned counsel for the petitioners requests the Court to dismiss the writ petition by leaving it open to the petitioners to work out their remedies vis-à-vis the subject matter of the writ petition in accordance with law.

The writ petition is dismissed with liberty as prayed for. No order as to costs.

S.V.BHATT, J

Date:08.03.2016

Stp