

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.17452 OF 2016

ORDER:

This writ petition is filed by a section of the villagers claiming themselves to be owners of lands in Kondapally Village, Gadwal Mandal of Mahabubnagar District.

The grievance, as exposed by the writ petitioners, is that the respondents-irrigation authorities in the process of executing Jawahar Lift Irrigation Project under Guddemdoddi Balancing Reservoir, left canal package No.99-D, a survey was conducted in 2009 and the alignment of canal was fixed. However, on 10.05.2016, at the instance of the contractors, the alignment of the canal has been changed and this was done to benefit the contractors. On earlier occasions, the petitioners have made a complaint to various authorities including the ministers but no action has been taken. Subsequently, stating all this delay, the petitioners made a representation dated 30.05.2016 to the Collector, Mahabubnagar District and marked copies to the Special Collector, Land Acquisition and Chief Engineer, Mahabubnagar.

As the grievance of the petitioners requires to be addressed, immediately, learned Government Pleader was directed to get instructions in the matter.

Learned Government Pleader, furnished a copy of the Executive Engineer, I & CADD, PJP Executive Division No.2, Gadwal, dated 04.06.2016. Para No.6 of the instructions therein reads as under:

“Para No.6: The alignment has been approved vide Chief Engineers Memo No.CE(P)/MBNR/PJP/P.99/340, Dt.10.05.2016 and cannot be changed at this juncture and the land plan schedules were sent to Special Deputy Collector, Gadwal to acquire the lands so as to handover to the lands to Irrigation Department for canal excavation.

The canal alignment was also fixed/marked on ground and the actual survey numbers of lands through which the canal alignment is passing, the petitioners are under the impression that the canal alignment is wrongly marked on different survey numbers from that of survey numbers as shown in the approved canal alignment. It is not true that the alignment is changed/deviated from that of approved alignment.

It is submitted that the crucial canal link from Km.30.00 to 36.00 is dire necessity to be completed within the time frame in order to release water to the targeted ayacut of 1.50 Lakh acres during this Khariff season 2016-17 as promised by the Honourable Chief Minister, Government of Telangana.”

Having considered the respective submissions of learned counsel for the petitioners as well as the learned Government Pleader, it is not possible for this Court to come to a definite conclusion whether the alignment has been made on account of the technical necessity in execution of the project canals or with a *mala-fide* intention, as alleged by the petitioners. However, considering the fact that the petitioners had already made a representation to the 3rd Respondent and marked copies as well to Respondents 6 and 7, the grievance of the petitioners shall be examined suitably and, if there is, any genuineness, in the representation of the petitioners, suitable action may be taken.

Subject to the above, the writ petition is disposed of. No order as to costs. In consequence, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

CHALLA KONDANDA RAM, J

Date: 07-06-2016.

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