

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5358 OF 2016

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Irrigation and learned Government Pleader for Revenue.

This Writ Petition is filed complaining the inaction of the respondents in taking action against the encroachers in encroaching the tank bed of Karavallavolu Tank to an extent of Acs.270.00 cents in Survey No.12 of Karaballavolu Village, Ozili Mandal, SPSR Nellore District.

The villagers of Karaballavolu Village, Ozili Mandal, SPSR Nellore District, made a complaint dated 15.02.2016 to the 3rd respondent stating that the villagers of Sagaturu and Vaddapalem Villages occupied the tank bed in Survey Nos.1 to 25 over an extent of Acs.100.00 of land and are cultivating the crop. It is stated that on an earlier occasion on 18.01.2010 also they have made a representation to the 3rd respondent to take action against them and, however, no action was taken by removing the motors etc over the tank bed land. It is also stated that on account of occupation of the tank bed by the villagers of Sagaturu Village, the lands are getting dried for want of water.

In this regard, one Yella Suresh Reddy and three others, who are the villagers of Karaballavolu Village, filed W.P.No.31745 of 2011 complaining the said encroachment. After perusing the counter in the said Writ Petition, this Court by its order dated 15.02.2012 recorded the undertaking given by the respondent authorities that the said encroachers would be evicted and taking into consideration the averments of the counter affidavit, this Court directed the respondents to conclude the proceedings expeditiously and also to ensure that there would be no further encroachment on the tank bed land.

Learned counsel for the petitioner submits that after perusing the order passed in W.P.M.P.No.39388 of 2011 in W.P.No.31745 of

2011, the eviction proceedings were initiated and the encroachers were evicted. However, once again the said villagers had forcibly occupied the tank bed land and though there were directions by this Court, no action was taken by the respondent authorities and the second part of the said order was bluntly flouted by them. Hence, the present Writ Petition.

Noticing the nature of complaint and urgency in the matter, learned Government Pleader for Revenue was asked to get instructions. Today, learned Government Pleader has placed on record the letter dated 22.02.2016 addressed by the Assistant Executive Engineer, Ozili, SPSR Nellore District, to the 5th respondent herein, which reads as under:

“... A writ petition 31745 of 2011 was filed in the High Court of Judicature of Andhra Pradesh at Hyderabad by Sri Yella Suresh Reddy, S/o.Ramana Reddy and others. They requested the High Court to direct the respondents 1. The District Collector, SPSR Nellore District, 2. The RDO-cum-Sub Collector, Gudur, 3. The Tahsildar, Ozili Mandal, 4. The executive Engineer, Irrigation Dept., Venkatagiri Division to present encroachment and take action against the encroachers who are responsible in filing the mud and trying to convert the tank into agricultural land in respect of Karraballavolu tank in an extent of Ac.278.32 cents in Survey No.12 (Total extent Ac.4.00 in Survey Nos.1 to 25) Karraballavolu village, Ozili (M) SPSR Nellore District. In this connection the Hon'ble High Court has given order for the eviction of encroachers (copy enclosed) subsequently another W.P.No.4182 of 2016 and W.P.No.5358 of 2016 filed in Hon'ble High Court on the same subject.

In the backdrop of High Court's order, the Tahsildar, Ozili, and I have visited Karraballavolu tank along with Dy. Executive Engineer, WSM Sub Division, Venkatagiri to initiate the eviction of encroachers with police protection (CI, Vakadu along with Sub Inspectors in Gudur Division and other force). After much commotion, the Sagaturu Vaddapalem villagers requested one month time as they have already put paddy crop in the encroached lands and then have submitted a written statement to the Tahsildar (copy enclosed). As per the directions of the RDO, the statement has been taken from the Sagaturu Vaddipalem villagers and dispersed from the site.

I am herein enclosing the order copy of the Hon'ble High Court, copies of W.P.Nos.4182 of 2016, W.P.No.5358 of 2016 and the copy of the statement given by the villagers. This is submitted for information and take further necessary action. ...”

It is evident from the above that necessary action has already been initiated by the respondent authorities. However, taking into consideration the fact that there is standing crop over the subject land and as requested by the encroachers that they may be provided one month time, it is made clear that by the end of April, 2016, the respondent authorities shall ensure that all the encroachments shall be removed in all respects, failing which the 5th respondent, who was instructed by the learned Government Pleader, shall be made personally liable and shall be proceeded with for violation thereof.

With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

The miscellaneous petitions, if any, filed in the Writ Petition shall stand closed.

CHALLA KODANDA RAM, J

11.03.2016

KH