

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.21506 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent in not considering the representation dated 11-05-2016 for shifting of pipe line as illegal, null void and arbitrary and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. Heard the learned counsel for the petitioner and also the learned Government Pleader for Irrigation representing the respondents from the instructions and perused the prayer in the writ petition with supporting affidavit and the other material on record.

3. It is the contention from the supporting affidavit of the petitioner that the petitioner is owner of the agricultural land in Survey No.18 of Pandalaya Village and Survey No.8 of Vemulapalli Village in Kanchikacherla Mandal of Krishna District and for Moguluru lift irrigation scheme on Munneru River near Vamulapalli Village for the proposed construction, the respondents are trying to interfere with the petitioner's right and enjoyment of the property by taking law to their

hands. It is also the submission that despite the petitioner made a representation dated 11.05.2016 to the respondent No.3, that representation is not even disposed of and thereby they have no right to interfere.

4. It is the submission of the learned Government Pleader that in the said representation there is no reference as to any ownership or title, much less, to claim any right over the property and thereby the writ petition is liable to be dismissed.

5. Having regard to the above, this writ petition itself is disposed of, giving liberty to the petitioner to make a fresh representation to the respondents 2 and 3, within one week from the date of receipt of copy of this order, with supporting documentary evidence if any to the claim of ownership or entitlement to compensation from the said land over which the pipelines run by the respondents and in such event of filing said representation, the respondents shall pass appropriate orders including if at all to invoke the statutory provisions for payment of compensation.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO, J

06.07.2017
SS