

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.24477 of 2005

ORDER:

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondent in constructing the Pothana Kala Bhavan in the petitioners' patta land bearing Survey No.431 admeasuring Acs.5.27 guntas in Mothkuru Village and Mandal, Nalgonda District, as illegal and arbitrary.

2. The averments in the writ affidavit would show that the petitioners are residents of Mothkur Village and pattadar of the land in Survey No.431. It is the case of the petitioners that the respondents are trying to construct Pothana Kala Bhavan in the said patta land, without following the due process of law. Hence, the present writ petition came to be filed.

3. No representation on behalf of the petitioners. However, learned Government Pleader, on written instructions, states that some of the patta lands fall within the FTL of Pedda Cheruvu, Mothkur; that in these private lands, owners have right to irrigate their lands, but during the submergence of the land in rainy season, the activity in the land, forming part of FTL area, is prohibited. However, cultivation is permitted when the lands are not under submergence and thus the land holders have limited rights to enjoy the land and to raise the crop, when the lands are not under submergence. It is further stated that some outsiders

have started construction of Pothana Kala Bhavan within the tank bed of Pedda Cheruvu, Mothkur bearing Survey No.430, which was immediately stopped and dismantled by the then concerned irrigation officers. It is said that the plea of petitioners that the construction of Pothana Kala Bhavan was within Survey No.431, is false.

4. Since the land falls within FTL, the authorities shall follow due process of law, while any steps are taken for construction in the said land. Since the construction activity is already stopped, this Court feels that no further orders are necessary.

5. Accordingly, the writ petition is closed. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions pending if any in this Writ Petition, shall stand closed.

14.09.2017
vnb

C. PRAVEEN KUMAR, J