

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.14436 of 2013

ORDER:

Heard Mr.Ch.C.Krishna Reddy for petitioner and Smt.K.Aruna, Standing Counsel for A.P.GENCO.

The petitioner prays for Mandamus declaring the action of respondents in trying to lay a road and pipeline from GENCO plant of Nelatur Village, Muthukur Mandal, S.P.S.R. Nellore District to the sea shore in the land situated in Sy.No.316/3 in an extent of Ac.0.70 cents; Sy.No.316/4 an extent of Acs.4.03 cents; Sy.No.320 an extent of Acs.2.71 cents; Sy.No.324 an extent of Acs.6.19 cents; and Sy.No.325 an extent of Ac.0.11 cents (total extent Acs.13.74 cents) of Nelatur Village, Muthukur Mandal, S.P.S.R. Nellore District without recourse to law, as illegal and unconstitutional.

This Court on 08.05.2013 directed parties to maintain *status quo*. Respondent Nos.3 and 5 have filed petition to vacate the interim order and in the counter-affidavit filed by respondent Nos.3 and 5, the details of land alienated in favour of respondent Nos.3 and 5 and the land through which the road or pipeline is passing through etc., are stated. In view of the stand taken in the counter-affidavit, learned counsel confines his prayer only to the extent of land in Sy.No.316/4A. Therefore, the stand taken by respondent Nos.3 and 5 is extracted hereunder:

"I respectfully submit that the proposed lands of Acs.7.44 cts. In S.Nos.316/3&4 and 320/2 covered in the writ petition for which purpose they have been required have also been taken possession by the Revenue Authorities on 6.12.2012 itself along with other lands in Form-X after following the procedure under rule 8 of Andhra Pradesh Land Reforms (ceiling on Agricultural Holdings) Rules, 1974. The Tahsildar, Muthukur in the letter C.C.No.1217/NLR/75, dated 06.12.2012 has submitted report to the Revenue Divisional Officer, Nellore on taken over possession of the lands in which the lands in Sy.Nos.316/3&4 and 320/2 measuring Acs.7.44 cts. are covered in the writ petition. A copy of the letter of the Tahsildar, Muthukur along with copy of form-X submitted herewith for favour of perusal.

I respectfully submit that the above mentioned requisitioned C.J.F.S. & Surplus Lands of Acs.41.73 cts. of Nelatur Village have been resumed to Government for allotment to Sri Damodaram Sanjeevaiah Thermal Power Station, APPDCL, Nelatur for the purpose of Sea Water Intake and Outfall pipe lines system, vide Land Acquisition Officer and Revenue Divisional Officer, Nellore order in the proceedings Rc.B(LA) 2082/2012, dated 01.04.2013. A copy of the proceedings is submitted here with for favour of perusal.

I respectfully submit that as the requisitioned lands of Acs.41.73 cts. are very much essential in the purpose and due to urgency, the works to process the sea water intake and outfall have been taken up. The works are going only in the Sy.Nos.318, 321 and 320/1 but not in the Sy.No.316/3, 316/4 and 320/2 regarding laying pipe line. In this connection, it is submitted that in the first instance only gravel approach road has been formed to a little bit extent of about Acs.0.12 cents of surplus land in Sy.No.316/4A from the compound wall of Thermal Power Tech Company Limited, Nelatur boundary towards pump house, so as to enable to enter into the lands and to carry out the works in the lands in Sy.Nos.316/1 & 2, 318/2, 320/1 and 322. But the contents alleged by the writ petitioner Smt.Vellapalem Vijaya Lakshmi that the said road is forming to lay a pipe line from the sea shore to GENCO plant Nelatur Village is not true.

I respectfully submit that therefore, only an extent of Acs.7.44 cts in S.Nos.316/3&4 and 320/2 of surplus lands has been requisitioned for the purpose. But no lands have been requisitioned by the APGENCO authorities in Sy.Nos.324 & 325 as alleged by the writ

petitioner herein. No work has been taken up till now in Sy.Nos.316/3&4 and 320/2 for laying pipe line as alleged by the writ petitioner”.

From the above, it is clear that only to a small extent in Sy.No.316/4A, the proposed pipeline is passing through. Further Mr.Krishna Reddy contends that respondent Nos.3 and 5 do not have right, title or interest in Sy.No.316/4A. Therefore, if the respondents want to utilize any land in Sy.No.316/4A, they are under obligation to follow the procedure stipulated by law.

After perusing the counter-affidavit, this Court is satisfied that the prayer though refers to several survey numbers and those survey numbers have been included without cause of action except Sy.No.316/4A. If the respondents want to use the land for any purpose, including laying the pipeline, they have to follow the procedure stipulated by law and thereafter dispossess the petitioner for change of the physical features.

The writ petition is disposed of as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S.V.BHATT, J

28th June, 2017.
ssp