

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.5825 of 2013

ORDER:

This writ petition is filed by the petitioners, under Article 226 of the Constitution of India, seeking to declare the inaction of the respondents in including the names of the petitioners in the voters list of Territorial Constituency 1 and 6 of No.3 Yenamadala West Tank (Minor Irrigation) Water Users Association, Yenamadala, in spite of submitting Form-F to the 2nd respondent as illegal and arbitrary and in violation of the provisions of the A.P. Management of Irrigation Systems Act, 1997, and the A.P. Management of Irrigation System Delineation and Formation of Water Association Rules, 2003, and also in violation of Article 14 of the Constitution of India and to issue a consequential direction to the respondents to include the names of the petitioners in the voters list of Territorial Constituencies 1 and 6 of No.3 Yenamadala West Tank (Minor Irrigation) Water Users Association, Yenamadala, Prathipadu Mandal, Guntur District.

2. The brief facts of the case are that the petitioners are holding small extents of land in Yenamadala Village and eking their livelihood by cultivating the said lands. It is submitted by the petitioners that the water source for cultivation of lands is mainly through water from a Minor Irrigation Tank called “Yenamadala West Tank” which has an Ayacunt area of Ac. 125.54 cents and that the water source for the said tank is mainly through rains and also from the streams existing in the locality and that the petitioners are raising paddy crop in their lands. It is further submitted that the 1st respondent notified water users Association

for Yenamadala West Tank as per the provisions of the A.P. Farmers Management of Irrigation Systems Act, 1997 (Act 11 of 1997) so as to provide for farmers participation in the management of Irrigation Systems and for the matters connected therewith for an efficient and equitable supply and distribution of water, ensuring optimum utilization by the farmers for improvement of agricultural production and also for scientific and systematic development and maintenance of irrigation infrastructure through farmers organization. It is further submitted that the 1st respondent notified the area of operation of Yenamadala West Tank called No.3 Yenamadala, West Tank (Minor Irrigation) Water Users Association, Yenamadala, and that the said Association has been divided into 6 territorial constituencies by the Superintending Engineer by showing the total extent of land included in each Survey number by giving sketch map of the area of operation of the Association and the same was notified by the 1st respondent and that the elections to the said Association was conducted first time in the year 1999 and thereafter in the years 2003 and 2005 as per the provisions of the Act and Rules framed thereunder. It is further submitted by the petitioners that since the petitioners are holding small extents of land in Survey Nos.527/2, 521, 856/3 & 888, which falls under Territorial Constituencies 1 and 6 of No.3 Yenamadala West Tank (Minor Irrigation) Water Users Association, Yenamadala, they are entitled and eligible for inclusion of their names in the territorial constituencies of 1 and 6 of No.3 Yenamadala West Tank (Minor Irrigation) Water Users Association and that the petitioners have submitted their applications to the 2nd respondent in Form-F for inclusion of their names in the voters

list on 30.01.2009. As the second respondent refused to receive their applications, the petitioners sent applications in Form-F through Registered Post on 20.10.2009 and the 2nd respondent received the applications of the petitioners, but not included their names in the voters list of Territorial constituencies 1 and 6 of No.3 Yenamadala West Tank (Minor Irrigation) Water Users Association, for the reasons best known to him. Aggrieved by the same, the petitioners have filed the present writ petition.

3. Heard and perused the material available on record.

4. The main contention of the petitioners is that even though they have submitted their applications to the 2nd respondent in prescribed form to participate in the Yenamadala West Tank (Minor Irrigation) Water Users Association, their names have not been included in the voters list of the said association.

5. When the matter came up for hearing today, the learned counsel for the petitioners informed that the elections to the said Association of that particular period are already over and there will be elections periodically and hence, the learned counsel for the petitioners submits that the applications of the petitioners to be considered and necessary orders to be passed by the 2nd respondent herein.

6. Having regard to the submissions of the learned counsel or the petitioners and on perusal of the record, this Court is of the view that the writ petition can be disposed of with the following direction:

The petitioners are directed to submit fresh applications for the forthcoming elections in the prescribed form to the West Tank (Minor Irrigation) Water Users Association, Yenamadala, on or

before 30.05.2017. On receipt of such applications being submitted by the petitioners, the 2nd respondent is directed to consider the same in accordance with the provisions of the A.P. Management of Irrigation Systems Act, 1997, and pass appropriate orders on or before 30.06.2017.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO,J

Date: 18th April, 2017

KL



THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.5825 of 2013

Date: 18th April, 2017

KL