

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.15250 of 2017

ORDER:

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

“To issue a writ, order or direction, more particularly a writ of Mandamus declaring the action of the 4th respondent in issuing the impugned Memo No.EE/ID/CTR, dated 10.04.2017 as illegal, arbitrary, unjust and violative of principles of natural justice and set aside the same and further declare that the petitioners are entitled to clear jungle from the tank of Pedda Cheruvu of Veerakanellore, G.D.Nellore Mandal, Chittoor District.”

2. Petitioner No.1 is the President, petitioner No.2 is the Vice-President and the petitioners 3 to 5 are the members of Veerakanellore Water Users Association, Gangadhara Nellore Mandal, Chittoor District.

3. By way of a Memo No.EE/ID/CTR, Lr.No.41, dated 07.05.2016, the Executive Engineer, Irrigation Division, Chittoor accorded permission in favour of the Water Users Association, Veerakanellore to clear the jungle/jauliflora in the Pedda Cheruvu of Veeraka Nellore at the cost of the Water Users Association with the clause that no payment would be paid by the department for the jungle clearance. The Executive Engineer, Irrigation Division, Chittoor by way of impugned Memo.No.EE/ID/CTR, dated 10.04.2017, cancelled the above said permission granted in favour of the Water Users Association.

4. The grievance of the petitioners in the present writ petition is that before issuing the said order of cancellation, the Executive Engineer, Irrigation Division, Chittoor/respondent No.4 did not issue any notice nor any opportunity of hearing to the Water Users Association. The same is not disputed by the learned Government Pleader. In the considered opinion of

this Court, the said action on the part of the fourth respondent is in clear violation of the principles of natural justice and the fourth respondent ought to have issued a notice and ought to have afforded an opportunity of hearing to the petitioners before resorting to the impugned order of cancellation.

5. In view of the above, the writ petition is allowed, setting aside the impugned Memo.No.EE/ID/CTR, dated 10.04.2017 issued by the Executive Engineer, Irrigation Division, Chittoor/fourth respondent herein and the matter is remitted to the fourth respondent for fresh consideration, after issuing notice and affording opportunity of hearing to the petitioners herein. As a sequel, miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

Date:26.04.2017

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A.V.SESHA SAI, J

THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.15250 of 2017

Dated: 26.04.2017

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