

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

W.P.No.13232 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, especially one in the nature of Writ of Mandamus declaring the inaction of the official respondents in protecting channel/drain bund at S.Nos.98 to 101 of Prathipadu channel No.3 in Darsiparru village, Pentapadu Mandal, West Godavari District from illegal encroachment and forming road by the non-official abutting/infront of their lands in S.Nos.98 to 101 converted into non-agricultural lands and alienating the plots without obtaining layout showing the boundary as Puntha road is illegal, arbitrary and violative of provisions of A.P. Panchayat Raj Act and Rules made thereunder and consequently direct the official respondents to protect the channel/drain bund of Channel No.3 of Prathipadu from encroachments and forming road”.

2. Petitioners are the owners of various extents of lands situated at Racharla, Valluripalli and Darsiparru villages, Pentapadu Mandal, West Godavari District and according to them, their only source of income is by cultivating the lands and their source of water to cultivate their agricultural lands is the water flowing from channel/drain named “Prathipadu No.3 Channel”. According to the petitioners, an extent of nearly Ac.401.00 cents of land in four different villages i.e. Prathipadu, Racharla, Valluripalli and Darsiparru is being cultivated by using the water from the said source. It is further submitted that the unofficial respondents herein are having lands in S.Nos.98 to 101 of Darsiparru village and they also used to cultivate their lands by using the said water source. It is further submitted that the bunds are being used by all the farmers for carrying out their agricultural operations

also and the width of the bunds along with the channel/drain is about 111 links near to main canal and decreases from place to place upto 66 links. It is further stated that the unofficial respondents converted their agricultural lands situated towards western side of channel/drain in S.Nos.98 to 101 into non-agricultural lands and the 3rd respondent by proceedings dated 23.12.2014 granted permission also. It is further stated that after conversion of nature of the said lands, the unofficial respondents without obtaining any layout as per A.P. Panchayat Raj Act and the Rules made thereunder, prepared a plan and started alienating the plots, showing the channel/drain bund as punta road. It is further submitted that if the bund is treated as road, the petitioners herein would suffer irreparable loss and hardship. It is further stated that if the said illegality is allowed to be continued, the farmers will not be in a position to de-silt the earth on either side of the bunds of drain for repairing the bund. It is further submitted that the petitioners herein submitted a representation on 20.3.2017 to the District Collector-2nd respondent for redressal of their grievance, but no action has been taken on the said representation. According to the learned counsel for the petitioners, taking advantage of the inaction on the part of the authorities, the unofficial respondents are proceeding with their high-handed action.

3. Having heard the learned counsel for the petitioners and the learned Government Pleaders for Revenue and Irrigation Departments and keeping in view the nature of controversy, this Court deems it appropriate to dispose of the writ petition, directing the District Collector, West Godavari District-2nd respondent to look into the representationsW dated 20.3.2017 and 22.3.2017 said to have been submitted by the petitioners herein and take appropriate action in accordance with law within a period of six weeks from the date of receipt of this order.

4. The Writ Petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 17.4.2017
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



17.4.2017

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