

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

WRIT PETITION No.28113 OF 2007

ORDER :

Heard learned counsel for the petitioner Sri O.Manohar Reddy and the learned Government Pleaders for Revenue and Irrigation for the respondents.

According to the petitioner, it is a society registered under the provisions of the Societies Registration Act, 2001 and the Society consists of the persons who are the pattadars of the lands in various survey numbers which are being fed with water from Devasetti Nala, which is otherwise called "Duduki (Spring) canal". It is further stated that members of the petitioner society own small extents of land in various survey numbers situated within the limits of Kanekal revenue village and that all the petitioners are cultivating the lands by utilizing water from the said water source and raising wet crops like paddy etc. It is alleged in the writ affidavit that certain persons having encroached upon Hagri Poramboke, started cultivating the land by utilizing the water from the said water source and due to said illegal occupation of the land and consequential drawal of water from the said source, members of the petitioner society are not getting any water. On the representation made by the petitioners, the Tahsildar Kanekal-2nd respondent herein addressed a letter vide Rc.No.289/2007 dated 03.09.2007 to the Station House Officer, requesting to take action for arresting the said illegal usage of water. The Tahsildar also addressed a letter

on 06.09.2007 to the District Collector, asking for necessary instructions, in order to take further steps in the matter and to remove encroachments.

According to the learned counsel for the petitioner no action has been taken despite the said letters and correspondence taken between the authorities.

It is submitted by learned Government Pleaders that it is not correct to say that no steps have been taken.

The factum of addressing the letters by Tahsildar to SHO and the District Collector-Anantapur for taking necessary action is not in dispute. So because of inaction on the part of the respondent authorities, the ryots of Ayacutt should not be put to hardship forever.

For the aforesaid reasons, the writ petition is disposed of directing the respondents to take appropriate action in the matter for removal of encroachments, pursuant to the letter in Rc.No.(b) 292/2007 dated 06.09.2007 addressed by the Tahsildar to the District Collector-Anantapur and the said exercise shall be completed within a period of four (04) months from the date of receipt of copy of this order. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending, if any shall stand closed.

A.V.SESHA SAI, J

03.07.2017
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