

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No. 24333 of 2012

ORDER:

Heard Mr.Challa Srinivasa Reddy for petitioner and Mr.Madhu Sudhan Reddy, for 5th Respondent.

2. The petitioner complains against the inaction of Official Respondents in protecting Agraharam lake, covered by Sy.No.70/ 1, New No.256, in an extent of 76 acres 62 cents in Chittapur village, Ipuru Mandal, Guntur district from encroachment of Respondents 5 and 6, who are trying to destroy the bund etc., and not considering and disposing of the representation dated 13.07.2012, as illegal, arbitrary and unconstitutional.

3. On 07.08.2012 in WPMP No.31063 of 2012 this Court directed the Respondents 1 to 4 to protect the Agraharam lake (Vuru Cheruvu) situated in Sy.No.70/ 1 of Chittapur village, by considering the representation of the petitioner dated 13.07.2012. The said interim order is subsisting as on date.

4. The 5th respondent filed counter-affidavit and also a petition to vacate the interim order dt.13.07.2012.

5. On behalf of Official Respondents 1 to 4, the 4th Respondent—Tahasildar, Ipuru filed counter-affidavit. On the allegations of encroachment of the tank or removing the tank-bund, the reply of the 4th Respondent reads as under:

“ In reply to Para.2 of the affidavit, I submit that Chittapuram village of Ipur Mandal is originally an Agraharam village and got surveyed under the A.P.Inams Abolition and Conversion into Rythwari Act, 1956 during the year 1968. Fair Land Register was got prepared for the lands during the year 1968. In the Fair Land Register, the Agraharam Survey No.70/ 1 was given new Survey No.256 of the village, and noted as not surveyed. Hence, the correct extent of old S.No.70/ 1 of Chittapuram village cannot be said as at Ac.76.62 cents. In the Fair Land Register the present status of land on ground in old S.No.70/ 1 of Chittapuram was not mentioned whether it was Poramboku or patta land belong to any Ryots. No names of Ryots are noted as occupants. I further submit that there is some water spread area in the said land at present in old S.No.70/ 1 of Chittapuram village. It appears as a small tank, but there is no registered Ayacut under the said lake. However little extent of land is irrigated with water of this tank.

In reply to Para.3 of the affidavit, I submit that the structure of the said tank was not disturbed and there are no attempts to destroy the bunds of the said lake as alleged by the petitioner. The said land was not converted as Agricultural land. Hence, the petitioners' contention is not correct.

In reply to para 4 of the affidavit, I submit that as per the information available in the village records of Chittapuram village, the land in S.No.288/ 3, 308/ 1, 319/ 3, 303/ 1 of Chittapuram village and the land in S.No.715 of Kondayapalem village is being irrigated with Ipur tank water. The source of irrigation for the lands in Chittapuram, Ponugotivaripalem, Gopuvaripalem villages is Ipur tank, situated in Ipur village.”

On the survey operations, it is stated that in spite of an order issued by this Court in W.P.No.14501 of 2010, the survey of land in Sy.Nos.154, 155, 156, 163 and 70/ 1 of Chittapuram village could not be taken up and completed.

6. Mr.Madhusudhan Reddy, submits that the survey is required to be undertaken and his client is not encroaching into the tank, and on the other hand, the villagers found the petitioner herein as an encroacher, and filed W.P.No.14781 of 2010 against him for appropriate directions. He further submits that if the statement of Tahasildar is placed on record, both in protecting the tank and conducting the survey operation, the 5th respondent is satisfied that the remedies, which are available to petitioner in identification of the land claimed by the petitioner, will be worked out before the authorities.

7. The statement is placed on record and accepted. Having regard to the writ prayer, namely to protect the water body/lake and the stand taken by the respondents, I am satisfied that the writ petition can be disposed of by making the interim order as final order, and the respondents are given liberty to conduct survey in accordance with law and pass orders on the application filed by Respondent No.5.

8. The writ petition is disposed of as indicated above. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

6th April, 2017
Kv

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