

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 27545 of 2017

ORDER:

Heard learned counsel for the petitioner.

Petitioner states that he belongs to Scheduled Caste community and is having small extent of land in Vempadu Village, Dwaraka Tirumala Mandal, West Godavari District. He is eking out his livelihood by doing agriculture in the said land. He further states that he raised trees like palm oil, banana, coconut, lemon, orange, coco etc. Since the extent of the land was small, he dug a bore well along with other small farmers. While so, the respondents proposed to construct a canal, which was designed through his land. He further states that the original alignment is changed in order to suit the interest of big landlords and affect the lands of the small farmers. He further states that a curve is proposed in Survey No.18 of Vempadu Village and without curve at Survey No.18, the tank called as 'Oora Cheruvu' could be filled and by linking the canal to the said tank, the lands can be irrigated without causing any inconvenience to the small farmers. He also states that a representation was made on 01.05.2017. When no action was taken, the petitioner filed W.P.No.24988 of 2017 and it came to light that respondent No.4 issued a letter, dated 19.06.2017, rejecting the representation of the petitioner. Accordingly, the said writ petition was withdrawn. Challenging the letter, dated 19.06.2017, the present writ petition is filed. The Gram Panchayat also passed a resolution on 20.05.2017

resolving to link the lift irrigation canal to Oora Cheruvu as it would be helpful to the small farmers.

Learned counsel for the petitioner submits that the change of alignment was made *mala fide* and if the representation of the petitioner was considered in a proper perspective, the land of the petitioner and other small farmers would not have been affected. The letter of respondent No.4 reads as follows:

“After examining the representation of Vempadu Villagers, Dwaraka Tirumala Mandal, West Godavari District, the land acquisition proceedings are in progress for Chinthalapudi Lift Irrigation Canal as per alignment. In view of the same, the change of alignment approval is not possible as desired by you and the same is intimated.”

This Court carefully perused the representation submitted by the petitioner and it does not disclose any alternative proposal for alignment, but it merely says that the land of the petitioner shall not be acquired because he is eking out his livelihood from the same and in view of the curve occurring at Survey No.18 and by not linking the canal to the public tank, the lands of small farmers are going to be affected. Whether there should be a curve at Survey No.18 and whether the lift irrigation canal could be linked to the existing tank of the Village is a matter to be left to the Engineers concerned who prepared the plan after much thought. Unless the petitioner and others provide an alternative alignment, which is equally effective, on mere representation, the alignment cannot be changed.

In the light of the representation submitted by the petitioner, this Court cannot decide whether the alignment proposed by the Engineers is correct or not, in the absence of any material placed by the petitioner.

The writ petition is accordingly dismissed at the stage of admission.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:18.08.2017

kdl

