

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION Nos.28041 OF 2015 AND 4546 of 2017**

**COMMON ORDER:**

These two writ petitions are being disposed of by this common order as they arise out of the same cause of action.

W.P.No.28041 of 2015 was filed challenging the action of the respondents in interfering with the management, maintenance and operation of Chandra Lift Irrigation, Konuru Village, Atchampet Mandal, Guntur District (the Scheme, for brevity) by the petitioner Society. In the said writ petition, this Court passed an order on 01.09.2015 directing the respondents not to interfere with the management of the same, provided the petitioner has been managing as on that date.

W.P.No.4546 of 2017 is filed now to declare the action of the third respondent in not considering the representation, dated 23.01.2017, filed by the petitioner.

It appears that a Lift Irrigation Scheme was established on the local rivulet of Krishna river, by name, 'Konuru Lift Irrigation System' to cater to the needs of the ryots of Konuru and surrounding villages. An adhoc committee was constituted and the same was headed by the petitioner herein. However, the adhoc committee claimed to be a regular committee and in view of the allegations made against the said committee, one farmer filed W.P.No.31689 of 2012 and the same was disposed of by this Court on 06.11.2014 directing the third respondent therein to take immediate steps for formation of Water Users' Association for the said Scheme and further directed to conduct elections for the management of the said Association within three months. The first respondent was directed to issue notification appointing two officers, one each from the Irrigation and the Revenue Departments belonging to Mahabubnagar District to manage the Scheme till a regular Association is formed by the third respondent and elections to the Association are held. The third respondent/District Collector passed an order on 20.12.2014 stating that the

scheme was not notified under A.P.Farmers Management of Irrigation Systems Act, 1997 and hence, it has to be included for notification for preparation of Voters' list and conduct of elections. But in view of the order of this Court to appoint two officers to manage the Scheme, the Tahsildar, Atchampet Mandal, Guntur District and the Assistant Engineer, APSIDC, Atchampet Area were suggested to be appointed by the District Collector while addressing a letter to the Principal Secretary, Irrigation and Command Area Development (CAD) Department. Thereafter, the Tahsildar passed an order handing over the management of the Scheme to one Muvva Naga Malleswara Rao by proceedings dated, 26.08.2015. The same was challenged by the petitioner herein in W.P.No.31264 of 2015 and the same was disposed of by this Court on 13.10.2015 noticing that pursuant to the proceedings of the District Collector, the Government wrote a letter on 12.01.2015 to the Vice Chairman and Managing Director of APSIDC to send a detailed report to the Government for taking further action and the matter was pending there. However, during pendency of the writ petition, the Tahsildar withdrew her orders, dated 26.08.2015 by proceedings, dated 12.10.2015 and accordingly the writ petition was closed.

When contempt case No.2080 of 2015 was filed alleging non implementation, it was reported that the order was complied with and in spite of the same, another contempt case in C.C.No.1122 of 2016 was filed and the same was dismissed and this Court noticed that the contemnor denied the forcible taking of the key of the pump house on 11.06.2016. In spite of the above orders, the present writ petitions were filed alleging interference in the management of the Scheme. This Court passed an order on 01.09.2015 directing the respondents not to interfere with the management of the Scheme.

Today, when both the writ petitions are taken up for consideration, on instructions by this Court, learned Government Pleader produced a copy of the instructions issued by the Superintendent of Police, Guntur Rural District, Guntur, wherein it was stated that on 01.09.2015 the said Muvva Naga

Malleswara Rao was managing the Scheme. However, the petitioner was handed over the charge on 03.02.2016 by the Tahsildar, Atchampet Mandal, through a mediatorsnama duly attested by both parties and elders of Konuru village. Thus, the petitioner was one of the founder members of the Scheme and there were allegations against the petitioner with regard to the activities which resulted in passing an order by this Court on 06.11.2014 in W.P.No.31689 of 2012. No action appears to have been taken by either the Principal Secretary, Irrigation and Command Area Development (CAD) Department or by the District Collector pursuant to the said order. The allegations and counter allegations are continuing.

In the circumstances, the first respondent is directed to implement the orders of this Court dated 06.11.2014 passed in W.P.No.31689 of 2012 and till the formalities are completed, the District Collector is directed to take necessary steps for appointing an adhoc committee in the presence of the villagers of Konuru village and handover the charge to the said committee as now it is alleged that the police are interfering with the management of the Scheme. Till an adhoc committee is appointed by the District Collector, Pasupuleti Srinivasa Rao, to whom charge was handed over by the Tahsildar, on 03.02.2016, by executing a mediatorsnama in the presence of the villagers, shall continue to operate the scheme.

The writ petitions are accordingly disposed of. Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

**A.RAMALINGESWARA RAO, J**

27.04.2017  
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