

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.21515 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, more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the Respondents in seeking to lay the canal from the premises bearing H.No.9-34 of Petitioner NO.1 and premises bearing NO. 9-80 and 9-81 of petitioner No.2 situated at Nizampet village and Mandal, Medak district as illegal, arbitrary without jurisdiction, violative of Art.300-A of Constitution of India and also violative of Principles of natural justice and consequently hold that the Respondents are not entitled to lay the canal from the petitioners premises without due course of law and pass such other and further or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard the learned counsel for the petitioners and also the learned Government Pleader for Irrigation representing the respondents with written instructions and with three pages containing six photographs and perused the prayer in the writ petition with supporting affidavit and also the written instructions with reference to the photos.

3. It is the grievance of the petitioners that they are owners of the property and under the guise of the extension to the

shops over the drain, the respondents are trying to interfere with the shops and the structure covered therein, which is the private property of the petitioners.

4. It is the submission of the learned Government Pleader from the written instructions that it is part of the Government land under encroachment including obstructing free flow of the feeder channel of the Irrigation department running in the panchayat limits.

5. Once, such is the case, it is the duty of the respondents to demarcate on land and find out what is the private property of the petitioners and what is the property if any under encroachment and then follow the provisions of A.P. Land Encroachment Removal Act or other provisions contained in the Panchayat Raj Act and without which the petitioners shall not be dispossessed. It is needless to say this order no way interdicts the authorities to follow the due process of law for removal of said encroachment if any.

6. Accordingly and with the above direction, this writ petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO, J

06.07.2017

Note: issue C.C. by tomorrow.

B/o.SS