

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.7422 of 2017

ORDER:

Heard Smt. S.A.V. Ratnam, learned counsel for petitioner, learned Assistant Government Pleader for Revenue and Sri Cheemalapati Ravi, learned Standing Counsel for respondent Nos.4 to 6.

The petitioners pray for Mandamus directing respondents not to close existing water channel passing through Sy.Nos.220, 218, 216, 213, 211, 212 and 215 of Sunkapur Village, Visakhapatnam District, particularly for the purpose of laying a road.

On 06.03.2017, the writ petition was adjourned at the instance of respondent Nos.2 and 3.

The 3rd respondent has sent instructions, dated 18.03.2017, to the office of the Government Pleader for Revenue. The instructions substantially support the grievance canvassed by the petitioners and further explain by stating that preventive steps have also been taken when villagers tried to change the subject channel into a road. The operative portion of instructions reads as follows:

In this connection, I submit that some villagers of Sunkupuru Village have represented the Tahasildar, Kotauratla that Sarpanch and some other villagers of Sunkupuru have proposed to lay a pathway by closing the Gedda Poramboke in S.No.219, 222 of Sunkupuru Village and requested to stop

the highhanded action by them, as the Gedda is about 20 feet width and 10 to 15 feet depth which is main water source for tank in Tangedu Village. Immediately along with our field staff inspected the Gedda Poramboke in Sy.Nos.219, 222 Sunkupuru village in the presence of Sunkupuru villagers and Sarpanch. During the rainy days the above Gedda is main water source to the Tank in S.No.140 of Tangedu Village. The total length of Gedda is about 1 Km. depth is 10 to 150 feet and its width is 10 to 20 feet from Sunkupuru to Tangedu village. I warned the Sarpanch and other villagers of Sunkupuru not to take any activity on Gedda Poramboke area. I sent my factual report to the Revenue Divisional Officer, Narasipatnam and Mandal Development Officer, Kotauratla that the Gedda is natural formed and main water source to the surrounding lands and Tank in S.No.140 of Tangedu village of Kotauratla Mandal which is irrigation source for about 100 acres of lands in Tangedu and Sunkupur villages.

I further submit that there is no proposal came to my notice to form a pathway by closing Gedda poramboke land in Sunkupuru village. I warned the villagers not to take any action in Gedda Poramboke area and instructed our field staff i.e. Village Revenue Officer, Village Revenue assistant and Revenue Inspector and also Village Secretary not to take up any work in Gedda in Sunkupuru village. Further I have informed the A.P.O., Kotauratla not to take up any NREGS works in the said land.”

Learned Assistant Government Pleader agrees to dispose of the writ petition in view of the written instructions.

Mr.Cheemalapati Ravi, appearing for respondent Nos.4 to 6, submits that the Gram Panchayat is not proposing to lay a road either by reducing the length or width of subject channel.

The statement is placed on record and accepted.

As the facts stated by the petitioners are not disputed and further that an attempt in fact was made by a few villagers to reduce the width of subject channel and lay a road, to prevent such misadventure by any one including 5th respondent. This Court considers it appropriate to direct respondent Nos.2 to 6 to ensure that the classification of channel passing through survey numbers referred to above *firstly* is retained and *secondly* the width, length and depth of the channel shall not be altered.

The writ petition is ordered as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

2nd June 2017

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S. V. BHATT, J