

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.15848 of 2012

ORDER:

Heard counsel for petitioners, Sri S.D.Goud for the 2nd respondent and Sri G.Seshadri for the 3rd respondent.

The petitioners pray for Mandamus declaring the inaction of respondents 1 to 3 in preventing respondents 4 and 5 from closing the existing drainage canal in Sy.No.212 situated at A.Narayanapuram Gram Panchayat, Ananthapur Mandal and District, as illegal and unconstitutional.

The petitioners have impleaded the Anantapur Municipal Corporation as well as A.Narayanapuram Gram Panchayat, Thapovanam, as party respondents.

Sri G.Seshadri, on instructions, submits that part of A.Narayanapuram Gram Panchayat has been merged with Anantapur Municipal Corporation and is under the direct administrative control of Municipal Corporation. The subject matter of the writ petition, according to him, now is under the administrative control of Ananthapur Municipal Corporation.

The statement is placed on record and accepted.

The Superintending Engineer of Ananthapur Municipal Corporation, basing on the field verification report, has filed counter affidavit and has stated as follows:-

“It is humbly submitted that so far no encroachment are there as alleged by the petitioner. If at all any encroachment are found this respondent undertakes to act as per the legal

position. The other allegations about 4&5th respondents, the petitioners are strict proof of the same and this respondent is not a proper party to the same.

It is humbly submitted that as alleged in para 6 if there is any type of illegal activities by anybody including respondents 4 & 5 will be strictly dealt with appropriate legal action to prevent every possibility to attack various diseases in the said locality as alleged by the petitioners. The other allegations in para 6 are denied by this respondent and the same is strict proof by the petitioners. It is also in correct to state that the respondents 4 & 5 since they were colluded with each other with this respondent is absolutely not correct and such reckless allegations are put to strict proof by the petitioners only. After the receipt of this notice only the Municipal Surveyor visited and submitted his report and the same facts are already submitted in above paras.”

From the above, it is clear that though the road or culvert is not forming part of an approved layout still as the subject matter of the writ petition is falling within the jurisdiction of the 2nd respondent, the 2nd respondent undertakes to proceed in the matter and prevent closure of canal by anyone including respondents 4 and 5.

The statement is placed on record.

The petitioners are given liberty to represent to the 2nd respondent for issuing further notices to respondents 4 and 5 and prevent the encroachment of canal in subject survey number.

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

S. V. BHATT, J

Date: 20-03-2017
Pv

THE HON'BLE SRI JUSTICE S.V.BHATT



WRIT PETITION No.15848 of 2012

20-03-2017

Prv