

HONOURABLE SRI JUSTICE S. V. BHATT

WRIT PETITION No.22298 OF 2017

ORDER:

Heard Mr. Bhaskar Gandham, learned counsel for the petitioner and the learned Assistant Government Pleader for respondents.

The petitioner challenges notice No.B/ 507/ 2013, dated 24.06.2017, issued under Section 11 of the Andhra Pradesh (Telangana Area) Irrigation Act, 1357 Fasli (for short 'the Act'). The petitioner is not challenging the notice on lack of jurisdiction but challenging the notice by relying on communication No.B/ 507/ 2013, dated 07.06.2013 of the Tahsildar, Dundigal Mandal – 3rd respondent to the District Collector/ 2nd respondent. After perusing the notice impugned in the writ petition and Exs.P.2 to P4, this Court is of the view that challenge to a notice issued under Section 7 of the Act is not successfully made out and is of the view that the circumstances stated in the notice and also letter, dated 07.06.2013, are matters for verification. Hence, at this stage of the matter, the disputes cannot be concluded by this Court under Article 226 of the Constitution of India.

To meet the ends of justice, the petitioner is given two weeks time from today to submit explanation along with documents in support of the petitioner's plea that firstly there is no encroachment of government land and secondly, the petitioner is not occupying the irrigation channel or obstructing free flow of water. The 3rd respondent is directed to consider the explanation, conduct enquiry, afford opportunity and pass orders as are warranted in this behalf. It is made clear that as the issue is at the stage of notice and enquiry, the 3rd respondent shall not take recourse to coercive steps including

demolition of existing structures during the pendency of proceedings before him.

Accordingly, the writ petition is disposed of. The miscellaneous petitions, if any, filed in this writ petition shall also stand dismissed. There shall be no order as to costs.

S.V. BHATT, J

July 06, 2017.

Note:

Issue CC in on week.

B/O.
KTL

